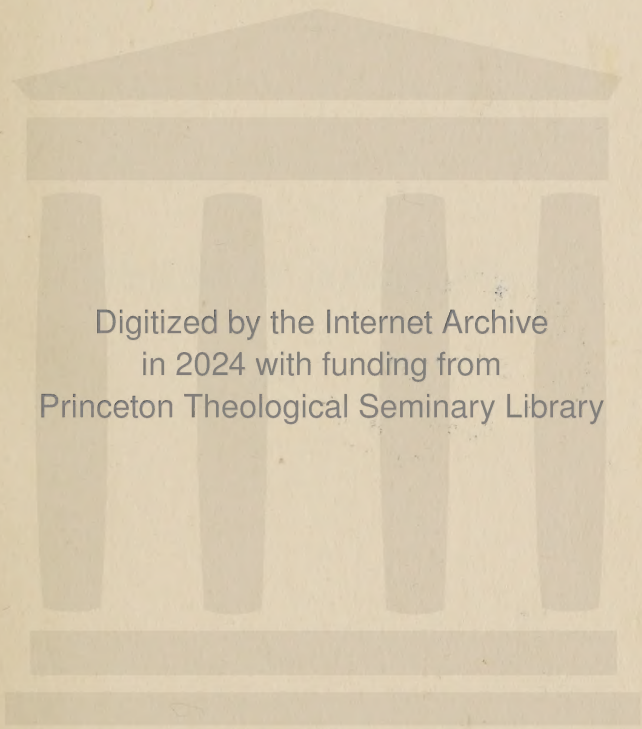
ORIENTAL EXCLUSION — *R. D. McKenzie*



ORIENTAL EXCLUSION

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS

THE BAKER & TAYLOR COMPANY
NEW YORK

THE MACMILLAN COMPANY OF CANADA, LIMITED
TORONTO

THE CAMBRIDGE UNIVERSITY PRESS
LONDON

THE MARUZEN-KABUSHIKI-KAISHA
TOKYO, OSAKA, KYOTO, FUKUOKA, SENDAI

THE COMMERCIAL PRESS, LIMITED
SHANGHAI

ORIENTAL EXCLUSION

THE EFFECT OF AMERICAN IMMIGRATION LAWS, REGULATIONS, AND JUDICIAL DECISIONS UPON THE CHINESE AND JAPANESE ON THE AMERICAN PACIFIC COAST

By

R. D. McKENZIE, PH.D.

Professor of Sociology, University of Washington

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS

Published June 1928

Composed and Printed By
The University of Chicago Press
Chicago, Illinois, U.S.A.

PREFACE

This study is one of a series of monographs prepared in connection with the Conference of the Institute of Pacific Relations at Honolulu in July, 1927. These monographs are presented to the Institute on behalf of the American Group attending the Conference; but the presentation of this material for consideration in the program does not imply either that the Institute itself or that the American Group assumes responsibility for statements of fact or opinion contained in the texts. These remain as much the personal expression of the authors as would be the case had the contribution been communicated orally.

The Research Committee, which has charge of the editorial work of the American Group, has necessarily limited itself to the question of the pertinence of the subject matter to the discussions of the Institute.

At the 1925 Conference of the Institute, it was clear that the American Immigration Laws and their administration were regarded as a cause of friction and misunderstanding, but the Conference found itself without any substantial factual basis for its discussions, and copies of the Immigration Laws of the Pacific countries were not available. To facilitate discussion of these matters at the 1927 Conference, the American Group is making available copies of the Immigration Laws of Australia, Canada, New Zealand, Japan, and the United States. In addition, it asked Professor R. D. McKenzie of the University of Washington to undertake a study of the actual operation and effect of the American Immigration Laws, Regulations, and Judicial Decisions upon Chinese and Japanese, particularly on the American Pacific Coast.

This study, which is the result of Professor McKenzie's work, is now offered in this preliminary form as data for discussion and examination at the Honolulu Conference. The statements contained in this report have been checked as carefully as possible in the time available, but Professor McKenzie will be grateful for the prompt correction of any inaccuracies which a wider circle of readers may detect. Effect will, if possible, be given to them in a future edition.

AUTHOR'S PREFACE

This study is limited to a consideration of Chinese and Japanese exclusion. Other Asiatics equally affected by the exclusion act of 1924 have been disregarded because of lack of time to deal with them. However the same general principles and problems which arise in connection with Chinese and Japanese exclusion apply with equal significance to other barred Orientals.

I have tried to show the general types of problems that arise in connection with Oriental exclusion. Some of these problems are of a temporary and passing nature, others are inherent within the system itself.

I am greatly indebted to many persons for assistance in making this hasty review of the exclusion situation. Special acknowledgment should be given to Commissioner Luther Weedin of the port of Seattle and to the individual members of his staff for generous and cordial assistance; also to M. E. Mitchell of San Francisco for a thorough account of the immigration problems arising at that port. Furthermore I wish to express my appreciation of the kind co-operation of the Chinese and their attorneys, especially Henry A. Monroe of Seattle. So many Japanese have assisted me in this study that it is impossible to give individual acknowledgment of my gratitude, however I wish to mention in particular the efficient and generous help of H. Kawamura, Japanese Consul in Seattle.

My wife worked with me throughout both in the preparation of the manuscript and in reading the proof.

R. D. McKenzie

University of Washington

June 22, 1927

TABLE OF CONTENTS

APPENDIXES

CHAPTER I.

The Exclusion Movement

Exclusion as a form of cultural isolation is as old as the history of stable human groups, but exclusion as a method of controlling biological and economic competition is a relatively recent idea. The modern movement on the part of the white nations on the Pacific rim to exclude Asiatics on economic and racial grounds dates back not farther than the middle of the last century. During the first half of the nineteenth century, the nations of the western world battered at the doors of Asia attempting to gain admission in order to carry on trade and commerce. Today the situation is reversed. The same white nations are engaged in bolting their own doors against the colored strangers who are endeavoring to return the call.

The exclusion movement is an index of the rising tide of national and racial consciousness. The recent development of communication has not only made for a greater fluidity of the peoples of the world, but has also given rise to a highly sensitized spirit of nationalism, everywhere reflected in the modern tendency of nations to erect barriers to regulate the international movements of commodities and peoples. In its initial stages the movement on the part of the white nations fringing the Pacific to exclude Orientals was of a purely local character. This is shown by the early efforts at state and provincial legislative control of Oriental immigration. Gradually, however, the exclusion movement has everywhere assumed a

national form characterized by national legislation and national machinery for enforcement.

"The story of how Chinese exclusion was brought about (in the United States) is an interesting one. As early as 1852, even before the larger movement began, the governor of California advised that Chinese coolie immigration be restricted, and in 1855 the State legislature enacted a law imposing a head tax of $55 on every immigrant of that race. This was followed in 1858 by a law forbidding Chinese or Mongolians to enter the State, and later by other restrictive enactments, but all such legislation was declared unconstitutional by the California Supreme Court, and finally, in 1876, by the Supreme Court of the United States."

"After this decision the people of the Pacific Coast States turned earnestly to congress for relief. A congressional inquiry took place in 1876-77; the California legislature appealed to the National Government in 1877 and 1878, and Pacific Coast members made a vigorous effort for exclusion legislation. In 1879 Congress passed a bill limiting the number of Chinese who could come to the United States in any one vessel to 15, and repealing the favored-nation clause in the Burlingame Treaty of 1868, which provided for free immigration and emigration between China and the United States, but President Hayes vetoed the measure."

"In 1880 another treaty was concluded with China which gave the United States the right to 'regulate, limit, or suspend' the immigration of Chinese laborers, but not to 'absolutely prohibit it.' In 1882 Congress sought to take advantage of the new treaty's provisions and passed a bill suspending the immigration of Chinese laborers for 20 years; this was vetoed by President Arthur. Later in the same year, however, a bill providing for a 10 years' suspension of such immigration, but giving the right of reentry to Chinese lawfully in the United States, became a law, and in 1884 another law was enacted which strengthened the law of 1882 in some particulars." (Annual Report of the Commissioner General of Immigration, 1919, pp. 53-54.)

Similarly in Australia and Canada, the first attempts to control Chinese immigration were of a local or regional character. Up to the Commonwealth Immigration Act of 1901, the various colonies of Australia had separate measures dealing with Chinese im-

migration. Victoria passed a law in 1855 limiting any vessel to one Chinese for every ten tons of registered tonnage, also imposing a ten pound head tax. In 1857 South Austraila passed a similar act. In 1861 New South Wales did likewise. These acts were subsequently repealed, and in 1880-81 an international colonial conference was held at which a policy of uniform restriction of Chinese immigration was adopted. In Canada the urge for Oriental exclusion has always come from British Columbia. This province on various occasions has attempted to prevent the landing of Oriental immigrants and by provincial legislation has restricted their activities within the province.

Racial exclusion is an outgrowth of settlement. Pioneer conditions seem to promote the opposite attitude, namely, an encouragement of immigration of low priced coolie labor. The widespread dissemination of Chinese and Indian laborers throughout the plantation and pioneer belts of the world affords ample proof of this statement. The migration of western capital into the tropics and unsettled or sparsely settled parts of the world has served as a magnet drawing to these regions masses of unskilled labor from the two great human reservoirs, China and India. Chinese are found in almost every pioneer belt; their sturdy physique and thrifty habits of life make them excellently suited to the exigencies of pioneer conditions.

Chang Chao Wu, a graduate student in the University of Chicago, has compiled the following data concerning the distribution of Chinese around the Pacific rim:

CHINESE IN YELLOW COUNTRIES

Japan	12,884	(1923)
Korea	23,089	(1920)
Formosa	3,000,000	
Hong Kong	612,510	(1920)
Macao	71,021	(1910)
French Indo-China	229,464	
Siam	260,194	(1920)
Total	4,209,862	

CHINESE IN BROWN COUNTRIES

British Malaya	1,173,354	(1921)
Dutch East Indies (official estimate)	770,103	(1917)
Hawaiian Islands (Governor's report)	24,522	(1925)
Philippine Islands	43,802	(1918)
British North Borneo	37,856	(1921)
Brunei	1,423	(1921)
New Guinea (Aust., Mand.)	1,402	(1921)
Pacific Islands	3,321	
Total	2,055,783	

CHINESE IN WHITE COUNTRIES

Alaska	56	(1920)
Canada	39,487	(1921)
United States	61,639	(1920)
Mexico	12,769	(1913)
Panama Canal Zone	516	(1912)
Australia	17,157	(1921)
New Zealand	3,266	(1921)
Total	134,990	

But as a region passes from a pioneer to a settled condition, the human material that was once of value becomes a source of annoyance and trouble. The entire Caucasian fringe of the Pacific is studded with pockets of Asiatic peoples whose ancestors were induced to come to supply a pioneer demand for unskilled labor. But as these pioneer conditions gradually pass into established settlements, anti-Oriental sentiment emerges, finding expression in restrictive legislation, local and national. Moreover, the immigration once artificially stimulated tends to develop a spontaneous flow which does not readily respond to changes in demand or sentiment. This is especially true of labor that is transported a great distance. The ebb and flow of labor to nearby sources of employment is much more sensitive to changes in demand. This is illustrated by the fluctuations in the yearly migrations

of Chinese to British Malaya and of Mexicans to the United States.

TABLE 1

Year	Mexican Immigration to the United States[1]		Chinese Immigration to British Malaya[2]	
	Number	Per cent increase or decrease	Number	Per cent increase or decrease
1919.....	44,776	+41.3	70,912	+21.4
1920.....	68,392	+52.8	126,077	+77.8
1921.....	46,794	−31.6	191,043	+51.5
1922.....	30,295	−35.3	132,886	−30.4
1923.....	75,988	+150.8	159,019	+19.6
1924.....	105,787	+39.2	181,430	+14.1
1925.....	49,729	−52.9	214,692	+18.3
1926.....	59,785	+20.2	.....	.....

[1] Compiled from the Annual Reports of the Commissioner General of Immigration.
[2] Annual Report of the Protector of Chinese, Strait Settlements, 1925, p. 1.

The rise of exclusion sentiment reveals certain phases of development common to all white nations invaded by Orientals. In the early stages of Chinese immigration, the standard of living argument received the greatest amount of attention. Facts were presented to show how the low standard of living of the Chinese laborer made it impossible for the white laborer to compete.

Compare, "Some Reasons for Chinese Exclusion," Senate Document 137, 57th Congress, First Session. Here the argument for Chinese exclusion is based entirely on economic grounds. A detailed statement is given , showing the low cost of living of Chinese as compared with that of whites. This argument is quite different from that presented in "Japanese Immigration and Colonization". Senate Document No. 55, 1921, where birth rates and assimilibility are the chief subjects of attention. This is also the

sentiment expressed by the California Joint Immigration Committee: "Certainly, this nation, having determined to restrict immigration in the interests of assimilation, has done the obvious and logical thing in excluding incidentally aliens who are ineligible to citizenship and who are and must remain hopelessly unassimilable because of that disability imposed by our laws." In a recent letter to the writer, Honorable Albert Johnson, Chairman of the House of Representatives Committee on Immigration and Naturalization, summarized the argument for exclusion as follows: "The exclusion statute is nothing more or less than a recognition of the elemental fact that the Oriental character is different from the Occidental, and nothing is to be gained by mixture of the races. No question of inferiority or superiority is involved. We have built on this continent an Occidental and not an Oriental civilization. We mean no disrespect to any Oriental nationality or race when we insist that there shall be no Oriental colonization within our borders." (April 5, 1927.)

A similar shift of attention in Australia is indicated by the following quotation from the Official Year Book, 1925, p. 955: "Up to the last decade of the 19th century the action of the various colonies towards Chinese immigration was directed to avoiding the evils which were supposed to be connected with a large Chinese element in the community; between 1891 and 1901 the feeling evinced gradually developed the 'White Australia' policy which excludes all colored people. On the consummation of federation this policy was expressed in the Commonwealth Immigration Act of 1901."

While the reference to Oriental immigration in the Canada Year Book for 1924, p. 175, lays emphasis on the economic factor—"The immigration to Canada of labourers belonging to the Asiatic races, able because of their low standard of living to underbid the white man in selling their labour, is fundamentally an economic rather than a racial problem, affecting most of all those portions of the country which are nearest to the East and the classes which feel their economic position threatened"—nevertheless the fear of economic competition would hardly explain the recent petition submitted by the Legislative Assembly of the Province of British Columbia to the Dominion Government requesting that a law should be passed to "completely probibit Asiatic immigration into Canada."

This action was taken, although there has been no immigration from China since the passing of the Chinese Immigration Act of 1923, and less than 500 Japanese immigrants a year have arrived in the Province during the past seven years, and practically no Hindus have arrived since 1908.

Early exclusion legislation was designed to keep out the Chinese laborer, other classes were admitted freely in accordance with treaty rights. This early emphasis on economic competition as the leading argument for exclusion has gradually been superseded by emphasis on questions of assimilation and amalgamation as the fundamental reasons for restriction. This change of emphasis is closely related to the trend in Japanese immigration. The first protests against the influx of Japanese came from labor organizations, and the standard of living argument received leading emphasis. Later, however, when the Japanese, unlike their Chinese predecessors, adopted the policy of bringing their wives to America and establishing home life here, attention gradually shifted from questions of economic competition, immediate or ultimate, to questions of assimilation and amalgamation. This shift of emphasis from economic to cultural and biological considerations is not limited to any single country to which Orientals have immigrated, but is to a greater or less degree a common trend everywhere. It corresponds also with the trend from local to national concern about exclusion.

The methods employed by the various states and nations on the Pacific to restrict Oriental immigration show a rather uniform trend of evolution. At first, the regions most directly concerned attempted to restrict Chinese immigration by limiting the number that might be brought on a vessel, also by imposing head taxes. This

method was adopted by Australia, California and Canada. The first national gestures at Oriental exclusion were characterized by consideration for the sensibilities of the nation whose citizens were concerned.

The first attempts on the part of the Government of the United States to exclude Chinese laborers were based on treaty agreements. Gradually, however, national assertiveness developed and each successive step at legislative control of Chinese immigration reveals less consideration for China and a stronger determination to assume complete control of the question of who shall or who shall not be admitted to the country. This same trend is represented in relation to Japanese immigration. At first there was an attempt to limit the number of Japanese immigrants by international agreement, but the trend of opinion in the United States has been toward more national assertiveness in Japanese as well as in Chinese immigration matters.

Canada's experience in restricting Oriental immigration reveals a similar trend toward increasing national assertiveness. Starting in 1886 by the imposition of a small head tax, $50 on each Chinese immigrant, the Dominion Government gradually raised the amount to $100 in 1901 and then to $500 in 1904. Even this tax, however, did not seem to accomplish the end desired. Consequently, Orders in Council were resorted to in order to prevent the landing of Chinese laborers. Finally, the Chinese Immigration Act of 1923[3] completely shut off the flow of Chinese immigrants to Canada.

Japanese immigration to Canada is still controlled by the Gentlemen's Agreement, known as the Lemieux Agreement of 1907. There is, however, as already indicated, a strong demand from the Province of British Columbia to have the Dominion Government pass an act excluding all Oriental immigration.

The first national legislation in Australia to restrict Oriental immigration was not tinged with so much consideration for the feelings of the nationals excluded as was the case in regard to

[3] "The Chinese Immigration Act of 1923 (13-14 Geo. V, c. 38) restricts the entry to or landing in Canada of persons of Chinese origin or descent, irrespective of allegiance or citizenship, other than government representatives, Chinese children born in Canada, merchants, and students- the last two classes to possess passports issued by the Government of China and endorsed by a Canadian immigration officer." The Canada Year Book, 1924. P. 176.

early national restrictive legislation in the United States and Canada. Despite the efforts of the British Foreign Office to persuade Australia to restrict immigration by diplomatic efforts, the colonies, and later the Commonwealth, went ahead with their own methods of procedure which, under the Commonwealth Immigration Act of 1901, is to exclude all Asiatics by means of a language test.

The exclusion movement, wherever it has spread, has given rise to rather well defined types of problems. In the first place there is the problem of dealing with illegal entries. Exclusion legislation by abruptly cutting off the natural supply of a particular type of labor, thereby raises the value of such labor and produces a strong urge toward illegal entry. This situation is well demonstrated by the Canadian experience with the head tax on Chinese immigrants. The temporary cessation of immigration occasioned by the tax so increased the demand for Chinese labor that it became a profitable business to import Chinese coolies and pay the tax. The situation is well described by the Honorable W. L. McKenzie King. "The Chinese at home looked on the new tax as constituting an all but impossible barrier....Then the economic effect of the tax became apparent. The Chinaman who had landed in this country prior to January, 1904, discovered that the state, unwittingly perhaps, had, by restricting further competition from without, created of his labor a huge monopoly; without organization, without expense, without even agitation, every Chinaman became a unit in a labor group more favored than the most exclusive and highly protected trade union. Then monopoly began to do its work. The Chinaman, discovering his protected position, sought the advance in wages which comes from an increasing demand and diminishing supply. Within a couple of years the wages doubled and in some instances, more particularly

in the case of servants of a better class, trebled, and even went beyond this point."[4]

It is for the same reason that immigrant bootlegging becomes such a profitable business. Throughout the 45 years of Chinese exclusion from the United States, there has been a continuous struggle on the part of administrative officials to guard against illegal entry and to detect fraud among those applying for admission. Exclusion enhances the value of the country to the people excluded.

This condition lays the foundation for graft and makes of fraudulent entry a business enterprise. Over twenty years ago, the Commissioner General of Immigration writes in his Annual Report (1905, p. 79-80), "There is no Chinese steerage passenger so destitute that money practically without limit is not available to pay for his entrance. He can command legal advice of the most expensive counselors; he can secure witnesses to testify to anything; he can tempt smugglers by payment of large sums of money; he can carry his case through all the tribunals up to the Supreme Court of the United States. His youth, his obvious ignorance, his equally conspicuous poverty, his lack of friends or relatives known to him in this country, his lack of knowledge even of the occupation to which he will apply himself if landed—all combined do not deprive him of the benefit of ample funds from some source to secure his admission in some way, if possible." This same type of situation is referred to in almost every Annual Report of the Commissioner General of Immigration throughout the last twenty-five years but as the subject of smuggling will be dealt with later on in this report there is no need of further discussion now.

In addition to making the illegal entry of excluded aliens the basis of a business enterprise, exclusion tends to draw into the country substitute labor for that excluded. It is this tendency toward substitution that has given rise to the policies of general exclusion in those countries that

[4] Quoted by McNair in "The Chinese Abroad," p. 76.

are desirous of maintaining a high standard of living and a white racial stock.

When substitution is impossible capital tends to migrate to the sources of cheap labor. Note the rapid migration of United States capital, since the country entered upon a policy of restrictive immigration, into Canada and countries of South America whose doors are still open to European immigrants. The Western world may bar the cheap labor of the East but in doing so it creates a condition whereby capital is forced to migrate to the countries whose nationals are debarred or to areas that are still open to free exploitation.

The next general type of problem confronting those in charge of the enforcement of an exclusion law is that of determining the status of the individuals who present themselves for admission. Exclusion never excludes all classes of the race concerned. Certain exemptions are always made. This gives to the enforcement of an exclusion law all the problems connected with that of a selective immigration law. Moreover, the selection entailed in an exclusion law is based on legal rather than on physical evidence that can be determined by expert knowledge.

Then there is the problem of interpreting the law. The legislative body that passes an exclusion measure cannot anticipate all of the multitude of problems that may arise in connection with its enforcement. The executive department, entrusted with the administration of the law, is, therefore, assigned the difficult task of interpreting its meaning. Accordingly rules and regulations are established in a rigid or a liberal manner depending upon the personal attitudes of the officials in charge. In either case the rules governing enforcement tend to become arbitrary and may produce results quite contrary

to the spirit and purpose of the act. The ultimate resort in this country, of those who consider themselves injured by the law, is to appeal to the courts of the land. Through such appeals the courts participate in the interpretation of the law. In the course of time judicial decisions constitute a large part of the rules governing procedure. This complicates the problem of interpretation but it is the only release from prison warden's methods of dealing with international problems.

"The object to be accomplished in enforcing an immigration law relating to Chinese should be to make easy the admission of those entitled to land, and to make sure both the exclusion and expulsion (for one cannot be made effective without the other) of all not entitled to enter and reside in this country. The accomplishment of this object is a matter of extreme difficulty under the law which has been in force now for almost a quarter of a century. To prevent the coolie from posing as an exempt, the bona fide exempt must be examined at our ports; and, not understanding or caring to understand this, offense is often taken where none is intended. Every time one plan followed by the coolie and the promoter and smuggler is discovered and defeated a new plan is substituted, which for a time may prove even more successful than that abandoned, and the introduction of the prohibited class goes on. . . . " (Annual Report of the Commissioner General of Immigration, 1908, pp. 147-148.)

"The Chinese exclusion law has been modified by court decisions to such an extent as in large measure to defeat its purpose of preventing Chinese from entering the labor market of this country. It has been held repeatedly by the courts that Chinese 'exempts' permitted to land and later found employed as laborers are not subject to deportation unless the Government establishes that their entry was fraudulent, or in other words, that it was their intention at that time to become laborers. Thus, while technically ruling, in accordance with the statute, that the administrative decision is not final as to status, they have, to all intents and purposes, placed the burden of proof upon the Government, a con-

dition which was not contemplated by the act. Applicants admitted as the minor sons of domiciled merchants are permitted to engage immediately in laboring pursuits, and the ease with which others engaged as laborers and who cannot show lawful admission may establish citizenship before the courts renders ineffectual any attempt to secure deportation through judicial process." (Annual Report of the Commissioner General of Immigration, 1920, p. 302.)

In addition to the complicated problem of interpreting the law as it pertains to different classes of applicants for admission, there is the further serious problem of interpreting evidence. The vast difference between the cultural systems on the two sides of the Pacific makes the problem of securing and interpreting evidence a very difficult one indeed. Immigration officers can cite without end cases in which Oriental applicants have used "fraudulent" testimony to gain admission to the country.

"There is no gainsaying the fact, established by the observation of all officers, both administrative and judicial, who have come into close contact with the enforcement of the exclusion laws, that, upon questions affecting the admissibility to this country of Chinese, the testimony of persons of that race is almost universally unreliable. No matter how trustworthy and honorable a Chinese merchant or laborer may be in the conduct of his daily business, he seems to have no compunction whatever in practicing deceit concerning matters in which the Government is interested." (Annual Report of the Commissioner General of Immigration, 1907, p. 107.)

On the other hand, the Chinese complain bitterly against what they consider to be the unnecessarily severe and unjust treatment meted out to them by immigration officials. The following statement made by a prominent Chinese with reference to his experience with an immigration inspector presents the situation from the Chinese point of view:

"During 1916, I met Mr. X who was Chief Inspector of Immigration. He knew my father very well. While I was getting my passport in China, my cousin go to people here (names an attorney in Seattle) to get passport and send it to me. I was all

the time afraid, I thought he would return me back to China. I remembered what my father told me of his life story. My father's life was so mixed up, I told a different story in the immigration house from what my father told me was his life story. The immigration inspector scared me because he said he would send me back to China or to jail. He bluffed me. I was very scared because he bluffed and everything else. He asked me every question. He asked me if my mother was dead. He said, 'What does your mother look like?' I said, 'How do I know?' He asked me if my mother had a twisted foot. He asked again if I saw my father. I said that just once in all my life. Oh, he asked me so many questions. He said, 'Where did you see your father?' I said, 'In Canton and in the village when he first came back to China.' He asked me if I see my mother. He asked me many questions. Afterwards he said, 'You are a smart boy.' He said I was a liar and that my father told him a different story, but he liked my father and did not want to send me back. He asked any questions he liked. He was crooked."

"A partner of mine went to make application for his son to come over. He had a small business. Inspector said, 'What is your name?' He answered. He tell him every question. Inspector threw his paper down and said, 'My God, you damn liar.' Inspector just made bluff. He said, 'You are not a business man, you are a gambler.' The paper he threw hard on desk fell on floor, and he said, 'Oh hell.' Chinese don't dare tell Americans what he said. Don't dare report to Washington. No one cares. Chinese go through much." (Seattle Document, No. 283, Survey of Race Relations.)

A well known merchant of Seattle, a man who has made many visits to China in connection with business, records his experience with immigration inspectors when returnng from his last trip abroad: "In 1925 about 5 weeks before I wished to go to China I went to the Immigration Station and asked whether it would be necessary to get a passport (return permit) for my trip and I was told that it would. So I made application but the passport did not arrive. I ask several times but not there. When boat leave I get aboard. No trouble I go without passport because I so well known as prominent business man. On return trip I get aboard ship without trouble, but at Vancouver, immigration inspector get aboard and he say he will hold me up because I got no passport.

I tell him I try to get my passport but it no come. It not my fault I tell him, 'Mr. A. . . . you know I prominent business man of Seattle. I come and go several times without passport,' but he say that make no difference. He get pretty smart. When we get to Seattle he try not let me pass. I call for Mr. B . . He say 'all right,' but Mr. A get mad and insist that I be sent to the Immigration Station and held there. Just because I not give him plenty money. Many officials get lots of money from Chinese. Well finally Mr. C. . . . called and Mr. B. . . get whole bunch together and they persuade Mr. A . . . to let me go. Most officials pass Chinese when something wrong in small technical point with passport, if they pay well. Immigration doctors in China pass examination on eyes if good pay. Immigration officials in Hongkong also take money to let Chinese pass. When no got money or refuse to give then they get mean."

This statement is quoted here not to cast any reflection upon immigration inspectors but to illustrate a very common attitude among Chinese. When they are detained by officers they assume that it is because they have not offered bribe money. To quote an official, "The trouble is with the Chinese 'runners'. They come here and bring others with them. Someone will tell a 'runner' that he has a son he wishes brought in. The 'runner' then tells this Chinese that he must have money to give the inspector. This is not true. We have no inspectors in the place now that would take anything. We have none that you could buy. Once in a while there are men in the service that are bought but I feel certain that we have none here. The Chinese study a man to see if they can buy him. I remember about Christmas time a Chinese came to my home and said, 'Here is a little Christmas present for you.' He handed me an envelope and I saw that it had money in it. I handed it to him and told him to take it back. He said, 'No, it is $150 for you. Just enough to buy a suit of clothes for you and one for your wife.' I told him we did not want it, but they do try to buy an inspector that way."

CHAPTER II.

The Exclusion Movement in the United States

The exclusion movement in the United States has followed a course of development similar to that described for the Pacific rim in general, that is, the movement has passed from mere regional agitation against a particular race or class of Asiatics to a national movement directed against all Asiatics of every race and class. Furthermore, the trend of emphasis has gradually passed from economic to cultural and biological arguments for restriction and exclusion.

The history of our exclusion legislation reflects an attitude of increasing national assertiveness. Although there have been ups and downs in the degree of severity with which the Chinese exclusion measures have been enforced, still on the whole the tendency has been toward more rigid restriction.

A similar trend of attitude is apparent in our dealings with Japanese immigration. The anti-Japanese movement has developed from a condition of local agitation against Japanese laborers to a national movement to exclude all Japanese. During the early stages of Japanese immigration consideration was shown for the national sensibilities of Japan. This is evidenced by the fifteen years' experience in restricting Japanese immigration by means of the so-called Gentlemen's Agreement.

Chinese immigration to the United States commenced about the middle of the 19th century. The discovery of gold in California served as a magnet drawing the peo-

ple of southern China and those of eastern America together on the Pacific coast. At this time there was no railway transportation across the American continent and no steamship service across the Pacific. The peoples thus drawn together had to travel in "clipper" ships by long and circuitous routes, taking months to make the journey. The pioneer belt in which the two tides of immigration met was in point of travel as far removed from New York as from Hongkong.

The frontier conditions in which the East and the West first came together were of a dynamic and unstable nature. The inhabitants of the San Francisco Bay region were infected by the gold fever. The spirit of speculation was rampant. Under the first blush of such an economic and social environment racial intermixture seems to have taken place without serious friction. For a short time a condition of mutuality existed between the races, the Orientals performing tasks which the western gold speculators willingly left to them. Good-will flourished as is indicated by current newspaper reports and by comments of public men.

J. Thomas Scharf, at one time chief Inspector of Chinese immigration for the port of New York in an article entitled "Farce of Chinese Exclusion Laws," published in the North American Review, Vol. CLXVI, 1898, gives an interesting account of the conditions and attitudes associated with the early contacts between the two civilizations. He quotes from an article written by the Daily Alta on May 12, 1851, as follows: "Quite a large number of Celestials have arrived among us of late enticed hither by the golden romance which has filled the world. Scarcely a ship arrives here that does not bring an increase to the worthy integer of our population; and we hear by China papers and private advices from that Empire that the feeling is spreading all through the seaboard there, as a consequence nearly all the vessels that are for this country are sold for the prospect of passengers."

Mr. Scharf further relates that Governor John MacDougall in addressing the California legislature in 1852 referred to the Chinese as the "most desirable of our adopted citizens" and "recommended a system of land grants to induce further immigration and settlement of that race."

But the éclat was short lived. The dynamic situation connected with mining afforded too unstable a base for prolonged peaceful racial inter-penetration. As soon as the speculative bubble burst and whites were thrown out of employment the cry arose "The Chinese must go." Local legislative measures were employed to effect this end.[5]

The period of the Civil War marks a decline in anti-Chinese sentiment. The shortage of labor occasioned by the war together with the demand for men to complete the construction of the Central Pacific Railroad once more placed the Chinese in a favorable situation. Coolies were imported to work on the railroad. Nine thousand were reported to have been employed by the Central Pacific in 1869.[6] At the close of the war a new crisis arose in the drama of Occidental-Oriental relations. In the first place the two countries were drawn closer together by the new facilities of transportation. The Pacific Mail established the first direct steamship service to the Orient in 1867, and the Central Paficic completed its line across the American continent in 1869. These two great systems of transportation opened up a new route for trade and travel between Europe and Asia. As a result of this great development of communication a spirit of optimism prevailed. Visionaries saw tremendous trade possibilities between the United States and China. Accordingly an out-

[5] See Collidge, Chinese Immigration, Chapter 2.
[6] Collidge, *Ibid.*, p. 63.

burst of sentiment and consideration for the feelings of the Chinese paved the way for the passage of the Burlingame Treaty of 1868, a treaty which granted to both countries the "mutual advantage of free migration and emigration of their citizens and subjects respectively, from the one country to the other for the purpose of curiosity, or trade or as permanent residents."[7]

This treaty was hailed by business men and missionaries, but it did not solve the race problem. Forces more potent than political treaties had yet to be reckoned with. Instead of the anticipated prosperity the country immediately lapsed into a condition of economic depression. The situation on the Pacific coast was intensified by the large number of laborers which the completion of the Central Pacific Railway had suddenly cast upon the limited and depressed labor market. Once more bitter racial antagonism emerged and numerous legislative measures were passed by state and municipal governments designed to restrict and encumber the Chinese. All of these, however, were later declared unconstitutional by the Supreme Court of the United States. The anti-Chinese movement which up to this time had been local now became a national issue. Politicians seized the opportunity to make political capital out of racial antagonism. After several years of haranguing by California members, Congress finally took action and appointed in 1876 a joint Congressional Committee to investigate Chinese immigration. This committee after hearing a vast amount of testimony, mostly arguments against the Chinese, submitted the recommendation that "Congress legislate to restrict the great influx of Asiatics to this country," be-

[7] The Preamble.

cause " a duty is owing to the Pacific States and territories which are suffering under the terrible scourge."[8]

The outcome of this agitation was the treaty of 1880 whereby the United States was empowered to regulate, limit, or suspend Chinese immigration, but not to absolutely prohibit it. In the meantime the number of Chinese arrivals was increasing, 11,890 coming in 1881 and 39,579 in 1882 (See appendix, Table C). The Pacific Mail and other trans-Pacific companies found the Chinese steerage business too lucrative to be left undeveloped. Through efficient advertising the steamship companies succeeded in filling their steerage accommodations with Chinese coolies. Mr. W. C. Bunner, in his interesting history of trans-Pacific navigation refers to the Chinese passenger service as "the most profitable bit of passenger travel ever dreamed of by any trans-Pacific concern in the history of the carrying trade. . . . for it was a transportation blade that cut both ways. It caught the Chinese coming and going."[9]

The first national restrictive legislation came in the autumn of 1882. This act based on the treaty of 1880 suspended the coming of Chinese laborers for a period of ten years. The act, however, had numerous defects among which may be mentioned its failure to provide for through-transit privileges or to admit Chinese coming from foreign countries. To meet these obvious deficiencies, the act was amended in 1884. This first effort at exclusion failed to solve the Chinese immigration problem either from an administrative or a practical standpoint. The dynamic conditions of pioneer life along the Pacific

[8] Senate Report, No. 689. 44th Congress, Second Session 1877. See also Scharf, *loc cit*, p. 77; and Coolidge, Chinese Immigration, p. 110.

[9] "Japan", April, 1927, p. 19.

coast continued to make the domiciled Chinese a problem. The completion of the Northern Pacific Railway in 1883 and of the Canadian Pacific in 1885[10] threw thousands of Chinese out of employment and produced a situation similar to that of 1869 when the completion of the Central Pacific thrust thousands of laborers upon the community. The drama shifted from California to the Pacific Northwest. Race prejudice and lack of employment drove the Chinese to the mines and railway camps of the Northwest. During the autumn of 1885 a great orgy of anti-Chinese behavior swept across this corner of the country. The most serious attack upon the Chinese took place at Rock Springs, Wyoming, where in one evening twenty-eight Chinese were murdered, many wounded and hundreds were driven from their homes. The news of this violence spread over the territory of Washington and demonstrations against the Chinese occurred at Squack Valley, Black Diamond, Seattle and Tacoma.[11] A year later in an uprising at Log Cabin, Oregon, a number of Chinese were killed.[12]

From this time on there was a gradual subsidence of anti-Chinese sentiment along the coast. The decline in racial antagonism is undoubtedly due to the changing economic and social conditions. In the first place Chinese immigration suddenly dropped to almost zero. Subsequently it increased but never again reached the point attained prior to 1882. The resident Chinese population gradually scattered throughout the states of the Union

[10] For a discussion of the illegal entry of Chinese from Canada after the completion of the Canadian Pacific Railway, see House Documents Serial No. 2340 and No. 2379.

[11] Tacoma Daily News, September, 10, 1885, quoted by A. H. Meneeley, in his Master's Thesis "The Anti-Chinese Movement in the Northwest". University of Washington, 1922.

[12] Oregon House Journal. 14th Session, 1887.

thus relieving the pressure along the Pacific Coast. Moreover, Japanese immigration commenced about this time and public attention shifted from the Chinese to the Japanese. Since 1890 therefore Chinese immigration has gradually ceased to be of much concern to the general public. However it has continued to be a serious administrative problem to immigration officers.

The cycles of opinion associated with Japanese immigration are very similar to those described for the Chinese. That is, there was at first a brief period when the Japanese were welcomed by the public press. They filled a gap in the labor market caused by Chinese exclusion, but as soon as the number of arrivals increased to the point where they entered into competition with American labor antagonism forthwith developed. Anti-Japanese organizations were formed to promote legislation to limit the movements and activities of the Japanese in this country and to prevent others from entering.

The Seattle Post-Intelligencer of April 19, 1900, contains the following statement:

"The Western Central Labor Union at a meeting held last night took action looking toward the rumors that hordes of Japanese laborers are being brought to Puget Sound in violation of the United States immigration laws. They claim that the Japanese question is as menacing to local interests as the Chinese question was several years ago. W. G. Armstrong, labor leader, has written to President Samuel Gompers of the American Federation of Labor, asking him to bring the matter of the restriction to the attention of Congress."

In some respects, however, Japanese immigration was quite unlike that of the Chinese. In the first place the country which the Japanese entered was markedly different from that to which the Chinese had come thirty years before. Much of the crudeness of pioneer life had

passed, cities had emerged, and a condition of permanent settlement had replaced that of shifting camp life. Furthermore, the Japanese themselves were different from the Chinese. They came from a highly organized and a rapidly developing nation and they soon adopted the policy of bringing wives to this country in order to establish home life and settle here.

Opposition to the Japanese started about the beginning of the 20th century.[13] At that time there were less than 25,000 Japanese in continental United States, but this small number was concentrated in a few districts along the Pacific Coast. Early opposition, therefore, as Mears points out,[14] was of a strictly local nature, each community attempting to solve its own race problem by keeping out Orientals, or by placing restrictions on those who had gained entrance.

The first Japanese immigrants took up residence for the most part in the cities along the Pacific Coast. Here they came into competition with organized labor and organized retail services. It was the presence of cities, however, that made the first reactions to the Japanese of a much less barbaric nature than those which characterized the early demonstrations against the Chinese. Legislative enactments in the way of city ordinances, land laws and trade restrictions replaced the direct action of the camp life of a few decades before.

The movement against the Japanese, however, soon assumed a national aspect. As early as 1900 demands arose for the extension of the Chinese exclusion law to

[13] For a scholarly account of the evolution of anti-Japanese sentiment in this country see R. L. Buell "The Development of the Anti-Japanese Agitation in the United States", Political Science Quarterly, December, 1922, and December, 1923.

[14] Survey Graphic, May, 1926, p. 146.

include the Japanese.[15] From this time on stimulated by the increasing number of yearly arrivals the movement against the Japanese rapidly developed. The problem acquired national interest in 1906 when the San Francisco school board passed a resolution barring Japanese children from white schools. Although President Roosevelt succeeded in having the resolution rescinded the episode brought Japanese immigration into the focus of public attention. It was evident that something had to be done to stem the inflow of Japanese immigrants. But the problem was how to accomplish this result without offending Japan. The situation was quite similar to that of our relation to China in the late 60's when the Burlingame Treaty was under consideration. The outcome was the consummation in 1907 of the so-called Gentlemen's Agreement, according to which Japan promised to stop issuing passports to laborers "skilled or unskilled except those previously domiciled in the United States, or wives, or children under 21 years of age of such persons."[16]

The restriction of immigration effected by the Gentlemen's Agreement failed to solve the Japanese immigration problem just as the first exclusion act of 1882 had failed to solve the Chinese immigration problem. The 1907 agreement by omitting to restrict the immigration of women left the gate open for an influx of female immigrants to become the wives of Japanese domiciled here. The effect of this loop-hole in the Gentlemen's Agreement was a rapid increase in the resident Japanese population from natural increase as well as from immigration. Consequently, before and, more particularly, im-

[15] Buell, *Japanese Immigration*, World Peace Foundation Pamphlet, Vol. 7, No. 5 and No. 6, 1924, p. 287.

[16] Ambassador Hanihara's letter to Secretary Hughes, April 10, 1924, quoted by R. L. Buell, *Ibid*, p. 359.

mediately after the great war, the anti-Japanese organizations directed their arguments against the Japanese mainly on the question of the birth rate and biological amalgamation. This was an entirely new factor in the Oriental problem. There had never been any agitation regarding the natural increase of the domiciled Chinese because the Chinese had never shown any marked tendency to bring their wives to this country. The birth rate argument against the Japanese was particularly well chosen from the standpoint of those who saw or wished to see a menace in the rising tide of color. The resident Japanese population belonged, for the most part, to an age group in which fecundity is high, consequently it was easy to show that the number of births per thousand of the Japanese population was several times higher than for the white population.

This apparently excessive birth rate of the Japanese immigrants coupled with their tendency to take up farming in the more productive vegetable and berry districts furnished the necessary base for the anti-Japanese groups to organize public opinion against the existing system of handling Japanese immigration, and to pave the way for the exclusion act of 1924.

CHAPTER III.

Changes Effected By the Immigration Act of 1924

The Immigration Act of 1924, by excluding aliens ineligible to citizenship, (Sec. 13 c) added an extra sieve to the selective machine already at work on Oriental immigration. Previous to this, Asiatic immigration had been screened, not only by the selective features of the general immigration laws applying to all aliens, but also by special exclusion devices applying to specific groups and classes. For forty-two years Chinese immigration had been literally hand picked and the Japanese had to meet the conditions imposed by the Gentlemen's Agreement in order to gain admission to the country. East Indians and other Asiatics were almost completely excluded by the barred zone provision in the Act of 1917.

My purpose is now to show how this additional sieve has altered the volume and nature of the currents of Chinese and Japanese immigration. Before referring to statistical measurements let me briefly indicate the technical classes of Chinese and Japanese immigrants previously admitted but now debarred.

The most important effect of the 1924 act on Chinese immigration was the barring of alien wives of citizens.[17] Other classes of exempts under the Chinese Ex-

[17] On May 25, 1925 the Supreme Court of the United States decided that alien wives ineligible to citizenship, even though they be the wives of American citizens are excluded by the Act of 1924. (Chang Chan et al v. Nagle, 69 L. ed. 642). On the same date the Court decided that the alien Chinese wives and minor children of domiciled alien Chinese merchants may enter the country for permanent residence as non-quota immigrants. (Charles Sum Shee et al v. Nagle, 69 L. ed. 640).

This decision prohibits domiciled United States citizens (Chinese) from bringing alien wives from China. The decision of course applies to Japanese and other Asiatics but the American citizen class of Japanese is not yet old enough to be much affected.

clusion Law have suffered restrictions but none has actually been debarred.

The changes effected in Japanese immigration were of a much more drastic nature as the provisions of the Gentlemen's Agreement[18] had been more liberal than those of the Chinese Exclusion Law. By excluding parents, wives, and children under 20 years of age of domiciled alien Japanese—a class admissible under the Gentlemen's Agreement,—the act of 1924 reduced Japanese immigration to less than a twelfth of its previous volume. In addition to the wholesale elimination of this large class of previous admissibles the new law greatly pared down other classes exempt under the Gentlemen's Agreement. Discussion of this aspect of the 1924 law, however, will be withheld until we deal with the exempt classes later on.

The practical effects of the 1924 law upon the inward and outward streams of Chinese and Japanese immigration are indicated in Table 2.

The Act of 1924 has not been in effect long enough to permit a thorough appraisal of its influence upon the volume of arrivals and departures of alien Chinese and Japanese. During the two years of its operation, however, striking reductions are observable in the number of permanent admissions for both of these Oriental groups. In this regard its influence has been more profound on the

[18] Ambassador Hanihara in his Note to Secretary Hughes, April 10, 1924, summarizes the "essential terms" of the "Gentlemen's Agreement" as follows: "(1) The Japanese Government will not issue passports good for the Continental United States to laborers, skilled or unskilled, except those previously domiciled in the United States, or parents, wives or children under twenty years of age of such persons. (3) Issuance of passports to so-called 'picture brides' has been stopped by the Japanese Government since March 1, 1920. (5) Although the Gentlemen's Agreement is not applicable to the Hawaiian Islands, measures restricting issuance of passports for the Islands are being enforced in substantially the same manner as those for Continental United States." See Buell, Japanese Immigration. World Peace Foundation Pamphlets Nos. 5-6, p. 359.

TABLE 2

Net increase or decrease of population by arrival and departure of Chinese and Japanese aliens, fiscal years ended, June 30, 1917 to 1926[19]

Year	Chinese admitted			Chinese departed			Increase or decrease
	Immigrant aliens	Non-immigrant aliens	Total	Emigrant aliens	Non-emigrant aliens	Total	
1917	1,843	913	2,756	1,799	2,763	4,562	−1,806
1918	1,576	35,621	37,197	2,239	35,174	37,413	− 216
1919	1,697	5,729	7,426	2,062	5,868	7,930	− 504
1920	2,148	11,698	13,846	2,961	11,248	14,209	− 363
1921	4,017	18,974	22,991	5,253	19,455	24,708	−1,717
1922	4,465	8,755	13,220	6,146	7,838	13,984	− 764
1923	4,074	7,811	11,885	3,788	7,127	10,915	+ 970
1924	4,670	9,843	14,513	3,736	9,172	12,908	+1,605
1925	1,721	7,830	9,551	3,263	6,554	9,917	− 266
1926	1,375	7,247	8,622	2,873	6,142	9,015	− 393
Totals	27,586	114,421	142,007	34,120	111,341	145,461	−3,454

[19]Compiled from Table 4, p. 35 of the Annual Report of the Commissioner General of Immigration, 1926, and similar tables for other years.

TABLE 2—continued

Year	Japanese admitted			Japanese departed			Increase or decrease
	Immigrant aliens	Non-immigrant aliens	Total	Emigrant aliens	Non-emigrant aliens	Total	
1917	8,925	4,363	13,288	722	8,440	9,162	+4,126
1918	10,168	4,911	15,079	1,558	9,282	10,840	+4,239
1919	10,056	4,848	14,904	2,127	9,106	11,233	+3,671
1920	9,279	6,895	16,174	4,238	11,415	15,653	+ 521
1921	7,531	6,743	14,274	4,352	11,193	15,545	−1,271
1922	6,361	6,476	12,837	4,353	10,925	15,278	−2,441
1923	5,652	5,919	11,571	2,844	8,328	11,172	+ 399
1924	8,481	7,217	15,698	2,120	9,623	11,743	+3,955
1925	682	3,505	4,187	1,170	8,098	9,268	−5,081
1926	598	5,180	5,778	1,201	9,190	10,391	−4,613
Totals	67,733	56,057	123,790	24,685	95,600	120,285	+3,505

Japanese than on the Chinese. When temporary admissions alone are considered, that is the nonimmigrant classes, the effect of the Immigration Act is less significant.

It is quite probable that the number of admissions of both immigrant and nonimmigrant classes will tend to increase as the years pass. The effect of a restrictive measure is always greatest immediately following its application. The history of exclusion legislation shows that there is always a sudden reduction in the number of arrivals for the first few years after the new law takes effect. For instance as a result of the Chinese Exclusion Law of 1882 the volume of Chinese immigration dropped from 39,579 in 1882 to 8,031 in 1883 and 279 in 1884 finally reaching the low mark of 10 in 1887.[20] Then it gradually increased until it reached a balance of from one to two thousand arrivals per year.

Likewise Japanese immigration dropped from 30,824 in 1907, the year before the Gentlemen's Agreement took effect, to 3,275 in 1909 and 2,798 in 1910. It later gradually increased to an average of 8,000 to 10,000 a year.[21] As the years pass, ways and means of getting through the nation's portals are gradually discovered. Frequent resort to the courts also results in a more liberal interpretation of the law than the administrative regulations at first impose.

While the exclusion act of 1924 has greatly reduced the stream of incoming Orientals it has also tended to stem the outward flow. The number of emigrant and nonemigrant alien Chinese and Japanese has been slight-

[20] Annual Report of the Commissioner General of Immigration, 1926, pp. 174-176. These figures represent immigration from China. Statistics by race and people were not compiled till 1898.

[21] *Ibid.*, pp. 182-185.

TABLE 3

Comparative per cent of sex of immigrant aliens admitted and emigrant aliens departed during specified periods, fiscal years ended June 30, 1911 to 1926, by race or people[22]

	1911-1915		1916-1920		1921-1925		1926		1911-1926	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Admitted:										
All races...	64.9	35.1	58.7	41.3	56.6	43.4	56.0	44.0	66.1	38.9
Chinese...	86.2	13.8	83.6	16.4	81.4	18.6	86.0	14.0	83.3	16.7
Japanese..	37.0	63.0	44.6	55.4	43.4	56.6	71.1	28.9	42.0	58.0
Departed:										
All races...	81.5	18.5	80.5	19.5	73.9	26.1	71.4	28.6	79.2	20.8
Chinese...	97.7	2.3	96.4	3.6	96.3	3.7	95.6	4.4	96.6	3.4
Japanese..	79.7	20.3	77.7	22.3	72.4	27.6	69.1	30.9	75.5	24.5

[22] Annual Report, 1926, p. 215.

ly less since the Act went into effect than for the years immediately preceding. The net decrease for Chinese is on the average less than formerly and the net decrease for Japanese, owing to the sudden drop in the number of arrivals, is greater than ever before.

In addition to reducing the volume of Oriental immigration, the Act of 1924 also changed, to some extent, the type of arrival. In the first place it effected a change in the sex (Table 3, p. 39) and age distribution of immigrants causing a reversal to the composition of pioneer Oriental immigration when male adults constituted the great bulk of admissions.

Table 4 compares the age distribution of Chinese and Japanese immigrant aliens admitted during the two periods, 1917-1924 and 1925-1926.

It might reasonably be expected that the 1924 act, by prohibiting the entry of a large part of the immigrant

TABLE 4

Per cent of Chinese and Japanese immigrant aliens in each sepcified age class, 1917-1926[23]

	1917-24	1925-26
Under 16 years:		
Chinese	9.7	6.6
Japanese	14.2	10.3
16 to 44 years:		
Chinese	78.	72.6
Japanese	76.6	80.9
45 years and over:		
Chinese	12.3	20.8
Japanese	7.2	8.8

[23] Compiled from the Annual Reports of the Commissioner General of Immigration.

alien, or permanent resident class, would thereby augment the stream of nonimmigrants. This, however, has not been the case. During the two fiscal years for which records are at present available the number of nonimmigrants admitted (also of nonemigrants departed) for both Chinese and Japanese has remained about the same as for preceding years. There was, of course, a slight drop for the fiscal year ending June 30, 1925, but the figures for 1926 are about the same as for the normal years preceding the Act of 1924.

There has been, however, a considerable change in the class of nonimmigrants coming since the exclusion law took effect. Comparative figures for the Japanese are not available as during the period of the Gentlemen's Agreement different official classifications were used. But the records for the Chinese show a decline in all classes of nonimmigrants except "temporary visitors."[24] This class increased from 116 in 1923 and 105 in 1924 to 422 in 1925 and 393 in 1926. The effect of the law on other classes will be discussed in detail later on.

[24] Sec. 3. (2) "An alien visiting the United States temporarily as a tourist or temporarily for business or pleasure."

CHAPTER IV.

Reactions of the Chinese and Japanese to the Exclusion Act of 1924

To the Chinese the Act of 1924 was but another form of persecution and "gratuitous affront" added to a condition that was already severe enough. As mentioned above, the Act of 1924 did not repeal the Chinese Exclusion Act of 1882. Consequently, the Chinese are now subjected to the rules and regulations connected with the two systems of exclusion.[25] For over forty years, the Chinese had battled with the administrative authorities against what they considered to be the unjust and unnecessarily severe enforcement of the Exclusion Law. Directly after the Immigration Act of 1924 went into effect, the Chinese Chamber of Commerce of San Francisco addressed a letter[26] to the president of the Chamber of Commerce of the United States in which they presented their objections to being included in the new law intended primarily for the Japanese.

After referring to their "graceful" acceptance of America's exclusion policy for the last forty-two years and stating "that the Chinese people have always been

[25] In his Annual Report of 1924, the Commissioner General of Immigration recommended the repeal of the old Chinese Exclusion Law. "It is not felt that the Bureau can at this time suggest possible legislative remedies in this respect, but after a careful study of the provision of the Act of 1924 under consideration it is strongly inclined to the belief that, with some adjustment, the new legislation might well make the repeal of the Chinese exclusion law feasible and perhaps also of the Asiatic Barred-Zone Provision. In other words, the Bureau is inclined to the belief that the provision which, in effect, adds aliens 'ineligible to citizenship' to the long list of excluded classes already appearing in Sec. 3 of the General Immigration Law of 1917, may prove to be an entirely practical substitute for the earlier legislation referred to and, more especially, the laws relating to Chinese." (p. 30).

[26] November 30, 1924.

reasonable in the realization that the influx of the Oriental coolie classes, in large numbers, would subject white laborers to a competition in which they could not survive, and would thus tend to lower the standard of living in this country," they proceeded to argue that the Exclusion Law of 1882, based on the Treaty of 1880, had accomplished its purpose of keeping out Chinese coolies and "otherwise undesirable members of that race." In support of this statement, they quoted the census figures showing that the Chinese population of the United States had decreased from 107,488 in 1890 to 61,639, in 1920. In view of this fact, they argued there was no practical justification for their being further molested by a law framed primarily for others.

That the resentment thus voiced by the Chinese in 1924 has not yet died down is indicated by a recent protest made by the Chinese Chamber of Commerce of San Francisco in a letter to the Secretary of Labor.[27] After complaining against the treatment received at the hands of immigration inspectors and Boards of Special Inquiry, the letter states: "All that the Chinese mercantile interests of this country seek of your Department is that the Immigration Law, the Chinese Exclusion Law and the rules and regulations appertaining to the same, as promulgated by your Department, be given humane and unprejudiced interpretation and application rather than an enforcement which disregards the weight of evidence and the circumstances surrounding the individual case and resolves the slightest doubt against the applicant."

It should be noted that the Chinese accept the *principle* of exclusion but object to the *method* and *manner*

[27] March 22, 1927.

of enforcement.[28] This same attitude appears again and again in both the written and the oral statements of responsible Chinese.

"Let the American government do as it pleases, we as a nation seem powerless to resist, witness the encroachments of this government through its Labor Department upon our vested treaty rights, but *one thing* let them do is to raise the abhorrent, obnoxious, unfair attitude of exclusion and expulsion at the Port of San Francisco which has virtually become to us a reign of terror. In saying this we are not defending any class of case. We are not interested in the landing or the deportation of any class of case. Our grievances are not personal nor political. We justly contend that if a Chinese merchant, his wife or children apply to land at this port that they should be fairly and justly treated and their cases safe-guarded by the rights of justice and equity guaranteed them by the old treaties and the natural right of fairness and interest. That if, when these applicants, after fair hearing, within a reasonble time, without prejudice or dislike, are found ineligible for admission, they should in all justice be deported. But the merchants, their wives and children applying to land or depart from the port of San Francisco should not be deported on very flimsy pretext of very false catchy questions after days of examination and months and months of detention."[29]

The Japanese reaction to the exclusion clause of the

[28] By this I mean the Chinese in the United States have stopped fighting against the principle of exclusion and are directing their efforts toward securing less severe administrative practice.. As a nation China has protested against every form of discriminatory legislation restricting the movements of her citizens. The concessions granted by her in the Treaty of 1880 were merely in the interest of peace and friendship. See the Commission to Evarts. Nov. 6, 1880, U.S. Docs., ser. no. 2009, pp. 189-190. Note also the protests of Chinese diplomats against the Acts of 1882 and 1902. Coolidge, Chinese Immigration, Ch. XVI.

[29] Letter to the writer by T. Y. Tang, Manager of the Chinese Chamber of Commerce of San Francisco, April 28, 1927.

1924 law is quite different from that of the Chinese. To the Japanese, the passing of the law came as a bolt from the blue, at once a suggestion of lack of national good faith in carrying out the Gentlemen's Agreement, and a reflection on national pride and racial dignity. The Japanese opposed the act during the period of its inception and still oppose it on political rather than on practical grounds. "To Japan the question is not one of expediency but of principle. To her the mere fact that a few hundreds or thousands of her nationals will or will not be admitted to the dominions of other countries is immaterial, so long as no question of national susceptibilities is involved. The important question is whether Japan as a nation is or is not entitled to the proper respect and consideration of other nations. In other words, the Japanese Government asks of the United States Government simply that proper consideration ordinarily given by one nation to the self-respect of another, which after all forms the basis of amicable international intercourse throughout the civilized world."[30]

This statement made by Ambassador Hanihara in 1924 still reflects the attitude of the intellectual Japanese in America toward the Exclusion Act. Japanese of the official and commercial classes are unanimous in their insistence that their complaint is not against the *operation* of the present law, but rather against the *principle* of discrimination involved in the law itself. Their contention seems to be substantiated by the policy of the Japanese Government since the new law went into effect. During the two and one-half years which the act has been

[30] Ambassador Hanihara's note regarding the Gentlemen's Agreement addressed to Secretary Hughes, April 10, 1924. Quoted in *Japanese Immigration*, by Raymond Leslie Buell, p. 361.

in operation the Japanese Government has maintained as much vigilance as ever in the issuance of passports. Although relieved, by virtue of the passing of the Immigration Act, of the obligations entailed in the Gentlemen's Agreement, the Japanese Government has shown a spirit of cooperation in the enforcement of the present law which is recognized and appreciated by immigration officials.

The reactions of the Oriental common people toward the 1924 act are somewhat different from those of the commercial and diplomatic groups. To the ordinary people the new law came as an inexplicable act of cruelty perpetrated by a country they were taught to idealize as the land of liberty and justice. A few cases will illustrate the prevailing attitudes in this regard.

Chinese cases:

1. "I am sorry about the new immigration law. It breaks up families, will not let the wife of a citizen come in, that is not right. One's wife should be able to join him. The baby is able to come in while the mother is not. If you go to China and China say you can't bring your wife and children with you, you make trouble. America talks about closer relations with China and at the same time passes such strict law. How can you bring closer relationships when you pass a law like that?" (Race Relations Survey document 257.)

2. "The new law is a very bad thing, it is not right. What about Americans if they went to China? If China said you can't bring your wife and children in, then I am sure your government would cause a great deal of trouble for China." (Survey document 234.)

3. "I don't understand how the Government of the United States gave us such a law. Talk about the friendship between these two countries! When an American goes to China the Chinese people welcome him, why we are getting this bad treatment I can't see. Can a man live in this country without a wife, never see his

wife? I can't understand your new law in breaking up the people in a family. I can't understand how your state representatives can make such a law. I can't make it out." (Survey document 237.)

4. "This new law very unjust—cause a great deal of trouble. The old law, exclusion of the laborer, that bad enough, but Chinese used to this law of 1882. This law I think really made for Japanese, but they afraid to say only Japanese, because Japan very strong nation, might make great deal of trouble, so they have to include Chinese, too, but it is not necessary for Chinese, because they have exclusion law, and Chinese in this country are getting less each year. That is what the law is to accomplish, and that is why they should not have a new law. I don't think this is right. You say the Japanese bring their women to this country, have lots of children, big families, and all the women work. This is not so with Chinese. Very few Chinese women come to this country. Their children do not work. The women do not work. That is why the Chinese are not the same as the Japanese. For most part, all the Chinese go back to China. They do not want to come and populate this country, but most Japanese when they come to this country want to stay here and populate it. I fear if this law continues, it will hurt trade between China and this country. I think the Chinese may boycott America like they did some years ago in Japan, and also when the Ambassador's son (Chinese) went home to China and told about treatment he received at the embarkation office. He was a very indignant young man and caused much excitement over this, so for six or eight months the Chinese people boycotted American goods, causing the loss of hundreds of thousand of dollars to this country. I think if the Chinese do this, this law will soon be changed." (Survey document 178.)

These and other similar attitudes which might be multiplied indefinitely were expressed just after the passing of the exclusion act in the summer of 1924. At that time no attempt was made to sound the Chinese attitude toward the new law, but in practically every interview the subject of exclusion was in the focus of attention.

Japanese cases:

1. In a letter to the writer a Japanese farmer says in part, "When the exclusion act went into effect my son was in Japanese middle school. The act was suddenly passed and I did not have time to get my son to this country. Since my hope was destroyed I hardly know what I should do, for the conflict of my consciousness, feeling that it is my duty to take care of my six children in this country as well as my oldest boy and old parents in Japan. It is our hearty appeal that the exclusion law be abolished and give us an opportunity to meet our boy happily in this country in the near future."

2. "Dear Doctor McKenzie: As I see the effects of the exclusion act upon the Japanese I believe it is not only a question of keeping the Japanese out but involves the greatest principle of humanity. I have been in this country for 19 years. In 1916 I went back to Japan and married, came back here with my wife and engaged in farming. We had a very peaceful and joyful home and were full of content in our lives. In later years we had two sons and two daughters whom we had great pleasure in making good American citizens. But about five years ago we had to meet with the destruction of our hopeful life. It was the death of my wife, leaving the children motherless. . . . It is a world recognized fact that the greatest education of children depends upon the loving hands of mother. Recognizing this . . . I have been striving my utmost to get some one to take her place. . . . The only solution is the acquiring of a mother from Japan. But the present law does not allow that. . . . In conclusion I hope that the above facts will be taken into consideration and that the people of this country will draw a better law for the sake of the human happiness of the world."

3. "We hear that the members of the Pacific Conference, realizing the injustice and spurred by sympathy, now attempt to collect materials for this remedy. We cannot but be glad to find that we are not friendless among the people of the United States, and also that freedom, liberty and justice are not wholly vanished from this free land of America. . . . America was the first in helping and extending its sympathy to Armenia oppressed and treated inhumanely by the Turks. America did not hesitate to be the champion of humanity. They called the Turks barbarous but the

Americans are the Turks now." (The Japan American News, March 6, 1927.)

The above statements I think correctly reflect the attitude of the ordinary Japanese people in the United States toward the immigration law. It is hard for the common man to reconcile America's ideal of justice and liberty with an exclusion law which breaks up the most intimate human relations of a people organized on a kinship basis.

CHAPTER V.

Chinese and Japanese Exclusion Compared as Administrative Problems

Administrative officials are unanimously of the opinion that Chinese exclusion is their most vexatious problem. Japanese exclusion is quite minor in comparison. That Chinese exclusion constitutes the major problem from the standpoint of administrative officials is indicated by different objective tests as well as by the statements of the officers concerned. For over twenty years the space devoted to Chinese immigration in the Annual Reports of the Commissioner General of Immigration is far out of proportion to the number of Chinese admitted. In the last two Annual Reports, 1925 and 1926, the space devoted to the Chinese is much greater than that devoted to the Japanese. In the 1925 report, more than two pages are given to a description of Chinese immigration while only three lines, omitting tables, are assigned to Japanese. In the 1926 report, the difference in emphasis is not quite so great, eight lines being devoted to the Japanese and thirty-three to the Chinese.

The percentage of applicants denied admission is at least a rough gauge of the comparative importance of the problems presented by these two Oriental groups.

Throughout the past ten years the per cent of Chinese applicants denied admission has averaged 6.4 as compared with 1.2 for the Japanese. Taking merely the years during which the Immigration Act has been in effect, 1925

TABLE 5

Chinese (aliens and citizens) and Japanese aliens admitted and debarred, fiscal years ended June 30, 1917-1926[21]

Year	Chinese			Japanese		
	Admitted	Debarred	Per cent Debarred	Admitted	Debarred	Per cent Debarred
1917	4,774	321	6.30	13,288	296	2.15
1918	3,166	308	8.87	15,079	201	1.31
1919	3,340	151	4.33	14,904	171	1.13
1920	4,690	125	2.59	16,174	194	1.19
1921	8,323	296	3.45	14,274	135	.94
1922	10,025	515	4,89	12,837	47	.37
1923	10,558	706	6.27	11,571	80	.61
1924	10,694	751	6.56	15,698	197	1.24
1925	6,243	673	9.73	4.187	121	2.81
1926	5,459	374	6.41	5,778	51	.87

[21] Compiled from the Annual Reports of the Commissioner General of Immigration. Chinese "through transits" are omitted. Unfortunately Japanese "through transits" had to be included in the table throughout as they were not listed separately except for the years 1925 and 1926, when there were 754 and 656, respectively. Statistics for United States citizens (Japanese) are not available.

and 1926, the per cent of Chinese debarred is 7.4 as against 2.1 for the Japanese. Table 5 on the preceding page furnishes the statistical data on which this calculation is based.

TABLE 6

Disposition of immigrant and nonimmigrant aliens applying for admission at the port of Seattle, from July 1, 1926 to April 30, 1927[32]

	Number Admitted	Held for Board of Special Inquiry	Passed by Board of Special Inquiry	Rejected by Board of Special Inquiry	Appeals Sustained	Appeals Dismissed	Appeals Pending
Chinese....	813	512	351	32	21	45	63
Japanese...	838	78	53	25	9	1	1

[32] Data supplied by Commissioner Weedin, port of Seattle, May, 1927. "Through transits" omitted.

The comparative administrative difficulties involved in Chinese and Japanese immigration are well illustrated by the last ten months' experience at the port of Seattle presented in the foregoing table. Although the number of admissions for the two groups is practically the same still 86.8 per cent of the 590 cases brought before the Board of Special Inquiry were Chinese.

So much for the statement of fact concerning the relative importance of the two Oriental groups from an administrative standpoint. Now let us analyze some of the causes of the trouble. In the first place, it is important to remember that Chinese exclusion has a history of over forty years. During this period a vast col-

lection of records has been made and an elaborate system of procedure developed. The testimony of each new Chinese applicant for admission is checked with the records of previous entries of relatives or friends. These may have entered at ports other than the one to which the new case comes. In that event it is necessary to send for the records and wait a number of days for their arrival. Then in the hearing before the Board of Special Inquiry the testimony given by the applicant for admission is checked in detail with the testimony given by a father, brother or uncle who perhaps entered the country years before. If the two sets of testimony do not agree, at least in matters of importance, the applicant is denied admission and advised that he may appeal his case to the Department of Labor. If the appeal is not sustained the applicant is deported at the expense of the steamship company that brought him to America. On the other hand he may engage an attorney and apply for a writ of habeas corpus. If a writ is granted the case may be fought through to the United States Supreme Court.

The applicant and his supporting witnesses are asked detailed questions pertaining to his family and village life in China. Sometimes from 2,000 to 5,000 questions are asked at a hearing. The questions and answers are taken down in shorthand and a brief of the case is filed. Frequently briefs comprise from 20 to 50 typewritten (single-spaced) pages. A sample of the questions and answers in the case of a young son of a Chinese United States citizen recently debarred is given below. (Of course the hearing is carried on through an interpreter.) No. 6436.

Applicant reminded that he is still under oath.

Q. What is your name? A. Leong Sem.

Q. Has your house in China two outside doors? A. Yes.

Q. Who lives opposite the big door? A. No house opposite.

Q. Who lives opposite the small door? A. Leong Doo Wui, a farmer in the village, he lives with his wife, no one else.

Q. Describe his wife. A. Chin Shee, natural feet.

Q. Didn't that man ever have any children? A. No.

Q. How old a man is he? A. About thirty.

Q. Who lives in the first house in your row? A. A. Leong Yik Fook, farmer in the village, he lives with his wife, no one else.

Q. Describe his wife. A. Wong Shee, bound feet.

Q. Didn't that man ever have any children? A. I don't know.

Q. How many houses in your row? A. Two.

Q. Who lives in the first house, first row from the head? A. Yik Haw, I don't know what clan he belongs to.

Q. Why don't you know what clan he belongs to? A. I never heard his family name.

Q. Do you expect us to believe that you lived in that village if you don't know the clan names of the people living there? A. He never told us his family name.

Q. How long has he lived in the village? A. For a long time.

Q. What is his occupation? A. A farmer in the village.

Q. What family has he? A. A wife and one son, his wife's name I don't know, released feet.

Q. Who is his son? A. Ah Yin, 11 or 12 years old.

Q. Is there a house on the second lot in the first row? A. No.

Q. Who lives in the first house, third row? A. Leong Yik Gah, he is away somewhere, he has a wife, one son and a daughter living in that house.

Q. Describe his wife. A. Lui Shee, natural feet, his son is Wing Lok, 11 or 12, his daughter is Suey Heon, about 15 or 16 years old.

Q. Who lives in the second house in the third row? A. There is no house there.

Q. Isn't the second house in the third row opposite one of your doors? A. The house opposite my door is in the second row.

Q. Didn't you say your house was second house, second row? A. I have been counting from the front of the village, the house opposite my door is the third row, second house.

Q. Who lives in that house? A. Leong Doo Gui.

Q. How many houses in the fourth row in the village? A. No houses in that row.

Q. How many houses in the fifth row? A. No houses.

Q. How many houses in the sixth row? A. No houses.

Q. How many houses in the seventh row? A. No houses.

Q. According to your testimony today there are only five houses in the village and yesterday you said there were nine. A. There are nine houses.

Q. Where are the other four? A. There is Doo Chin's house, first house sixth row.

Q. What is the occupation of Leong Doo Chin? A. He has no occupation, he has a wife, no children.

Q. Describe his wife. A. Ng Shee, bound feet.

Q. Who is another of those four families you haven't mentioned? A. Leong Doo Sin.

Q. Where is his house? A. First house, fourth row.

Q. What is his occupation? A. No occupation.

Q. What family has he? A. He has a wife, no children.

Q. Describe his wife. A. Toy Shee, bound feet.

Q. There are two families, who are they and where do they live? A. Chin Yick Dun, fifth row third house.

Q. What is his occupation? A. No occupation.

Q. What family has he? A. He has a wife and a son, his wife in Chin Shee, natural feet.

Q. Did you ever hear of a man of the Chin family marrying a chin family woman? A. I made a mistake, her husband is Leong Yick Don.

Q. What is the name and age of that son? A. Leong Yick Gai, his house is first house, fourth row.

Q. You have already put Leong Doo Sin in the fourth row, first house. A. His house is first house third row.

Q. You have already put Leong Yick Gai first house, third row. A. I am mixed up.

(Applicant is requested to draw a diagram of the village together with the names of the people living in the village houses and does so, marked Exhibit "A" and he signs his name thereto as "Leong Dow Sem".)

Q. Now according to your diagram the houses across the front of your village belong to the following named men:—first

house first row, Yick Haw; first house second row Yick Fook; first house third row Yick Gai; first house fourth row Doo Sin; first house fifth row Yick Gai; first house sixth row Yick Don; first house seventh row Doo Chin. A. Yes, that is right.

Q. Have you named everybody now living in the Gong Ling village? A. Yes.

Q. Who is the oldest man in that village? A. Doo Chin.

Q. Is there a wall around that village or any part of it? A. No, but there is some bamboos on the back.

Q. Is anybody in that village blind? A. No.

Q. Is anybody crippled or lame? A. No.

Q. Is there a shrine near that village? A. Yes, there is one at the tail end of the village.

Q. What other villages are near that village? A. Gong Cheo village, a little way to the right side of the village.

Q. What clan families live in there? A. Leong.

Q. Is there an ancestral hall in your village or near it? A. No.

Q. Is there a fish pond near that village? A. No.

Q. Is there a school house in that village? A. No.

Q. A fence of any kind around that village? A. Earth bank in front of it about two feet high.

Q. What market does your mother patronize? A. Look Bow, 8 lis east of the village.

Q. Do you cross any bridges or streams of water in going to that market? A. You cross one small stone bridge.

Q. Is there a temple in that market? A. No.

Q. Describe your school experience. A. Started when I was 7 to study See Ak Hock How, located about 2 lis south outside of my village.

Q. Did you eat and sleep in the school house or at home? A. I slept in the school house and ate at home, I studied in that school for 9 years.

Q. How old are you? A. 16.

Q. Who was your last teacher? A. There were three teachers, Leong Yo Wah, Leong Bing and Leong Yee On.

Q. When was the picture taken that is on your affidavit? A. When I was about ten years old.

Q. Was your father in China then? A. No.

Q. Was the picture on the affidavit when you received it? A. Yes.

Q. How did your father get that picture? A. My mother sent it to him.

Q. How long ago did she send it to him? A. About Rep. 12.

Q. Why are you so excessively nervous during this examination? A. I am not at all nervous.

Q. How long have you had that gold tooth? A. About three years.

Q. Was that tooth fixed that way while your father was last in china? A. I had it crowned while my father was in China.

Q. Where was the work done? A. In the Ai Gong market.

Q. Do you know how much it cost? A. A little over $4.00 Chinese money.

Q. Who is going to testifiy in your behalf besides your father? A. Leong Seung.

Q. Have you any changes or corrections you wish to make in your testimeony? A. No.

Q. Have you understood all the questions? A. Yes.

Q. Is there anything more you wish to say? A. No.

Chinese new comers are, as a rule, coached in advance. No matter how bona fide a claim may be they take no chances with immigration officers. For this reason, inspectors say, the story of a child applicant is frequently grotesquely artificial even when there are no grounds to doubt the validity of his admissibility.

To quote an immigration inspector:

"All of the Chinese are coached before they come in, both good and bad cases. If they would quit this and just tell the truth they would get along much better. They coach by letter, and begin preparing the case years before they come. The father must show that he made a trip back to China, and state that he was married, that a son was born, etc. After their arrival here we are almost certain that letters are passed to them and that they are coached." (Race Relations Survey, document 262, 1924.)

The Chinese maintain that coaching is necessary as

immigration inspectors, without a knowledge of Chinese culture, misinterpret truthful statements and deny admission on the ground of fraudulent claims. On the other hand, however, when evidence of coaching is detected it creates an attitude of suspicion toward all testimony rendered. Out of this situation, therefore, has grown up antagonistic attitudes between the Chinese and immigration officers that color the whole system of Chinese exclusion.

For this reason Chinese vigorously protest against the system of private hearings before Boards of Special Inquiry. (See Rule 3, Subdivision 3, Treaty, Laws and Rules Governing the Admission of Chinese, October 1, 1926.) The following interview with a Chinese indicates a very common type of complaint. "No one is even allowed near the door. I would like to see this ruling changed so that it would be possible for Chinese to have their counsel, friends or relatives present at this hearing. At the present time Chinese are often mistreated and many embarrassing questions are asked which are unnecessary. The following case will illustrate. The daughter of an American citizen applied for addmission. She was 24 years of age, unmarried. She was asked why she was not married, the assumption and suspicion being that she was entering here for immoral purposes. No counsel, friend, or even her father was allowed at the hearing. She has been in the immigration station for five months. The case has been taken to the United States Court. Meanwhile she is never allowed to go to the home of her friends but may only take walks with the matron and must return to the immigration station at night."

The Japanese have had no such experience in the past. Prior to 1924, the Japanese, under the Gentlemen's Agreement, entered on passports issued by the Japanese Government. No lengthy records were kept of arrivals. Consequently when new Japanese apply for admission there are no previous records with which to check the statements made by the applicant. Further, the tradition of deception is not so firmly implanted in the minds of in-

spectors with regard to Japanese as it is with Chinese. The Japanese believe that they have inherited some of the suspicion created in the minds of officers toward Chinese just as the Chinese feel that they have been unjustly injured by the wave of anti-Japanese sentiment which gave birth to the exclusion features of the 1924 act.

When we consider the numerical distribution of the classes of Chinese and Japanese applying for admission under the 1924 Act, we get some conception of the comparative frequency with which problems of testimony arise.

TABLE 7

Alien Chinese and Japanese admitted under the Immigration Act of of 1924-(1925 and 1926)

Class of admissibles	Chinese		Japanese	
	No.	Per cent	No.	Per cent
Government officials, their families, etc.	204	3.44	884	10.61
Temporary visitors	815	13.75	1,603	19,24
Merchants	499	8.42	296	3.55
U.S. residents returning from visit abroad	3,732	62.99	5,264	63.17
Professors, ministers, etc.	20	.34	117	1.40
Students	655	11.06	169	2.03
Totals	5,925	100.00	8,333	100.00
United States citizens	5,419		unknown	

The Annual Reports of the Commissioner General of Immigration do not give figures concerning the arrivals of United States citizens of Japanese ancestry. However records kept by the Japanese Association show the following admissions of United States born Japanese at the port of San Francisco.

TABLE 8

Japanese arrivals at port of San Francisco

	1920	1921	1922	1923	1924	1925	1926
Born in U.S.....	398	308	395	404	482	510	887
Males.....	276	196	240	256	313	280	...
Females.....	122	112	155	148	169	230	...

This probably represents about half of the total number of this class of Japanese that entered the United States during the last 7 years. The increase in the number of American born Japanese returning to the country during the last few years may be a result of the alien land laws, being citizens they may rent or own land. (Facts supplied by M. E. Mitchell in a letter, May 5, 1927.)

If we include, as we should, United States citizens of Oriental ancestry, the total admissions of Chinese for the last two years has been a little higher than the total for the Japanese. Unfortunately, the number of United States citizens (Japanese) is unknown, but it is by no means so great as the citizen class of Chinese. It will be observed that the Japanese have a much higher percentage in the classes which give the least administrative difficulties, namely, government officials, and temporary visitors, while the Chinese have a higher percentage in the classes that create administrative problems, namely, merchants, "citizens," and students. Furthermore, the Chinese have a much higher percentage of applicants for admission who belong to the immigrant alien class. During the two years in question, 3,096 Chinese entered the country as immigrant aliens, while only 1,280 Japanese of this class were admitted.

There are two classes of Chinese immigrants, having practically no counter parts in Japanese immigration, that

create grave administrative problems. These are the foreign-born children of Chinese United States citizens[33] and the wives and minor children of merchants. These two classes are known to immigration officers as the "sons of citizens" and the "sons of merchants." While a small number of wives and female children are always included in these groups, still the ratio of males so predominates (87.5 per cent of all Chinese admitted to the United States during 1925 and 1926 were males) that the term "sons" is used to designate this type of administrative problem.

It is impossible to ascertain the exact number of foreign-born children of Chinese American citizens that have been admitted since 1924. Immigration figures for the last two years combine all Chinese United States citizens, whether foreign or native-born, into one class. Prior to 1924, however, the two classes of citizens were listed in separate tables, according to which approximately 50 per cent of all "citizens" entering the country were foreign-born. Estimating on this basis, about 2,700 foreign-born children of "natives" were admitted to the United States during the two fiscal years, 1925 and 1926.

The class of entries known as the "sons of merchants" is, of course, not so great. In fact for the first nine months of the operation of the 1924 act the wives and minor children of merchants were denied admission on the grounds of ineligibility to citizenship. The Supreme

[33] "Children born abroad to an American citizen of the Chinese race at any time subsequent to his having acquired a residence in the United States are themselves citizens of the United States (R.S., 1993) and entitled to admission as such, irrespective of their age. Adopted children of American citizens of the Chinese race are not admissible to the United States because of the relationship asserted." (Treaty, Laws, and Rules Governing the Admission of Chinese, October 1,1926, Rule 10, Subdivision 2)

Court decision on May 25, 1925,[34] however, removed the barrier with the result that entries of the Chinese merchant class—including merchant's wives and minor children—increased from 75 in 1925 to 424 in 1926. A Circuit Court decision of August 3, 1925,[35] further opened the bars by declaring that domiciled Chinese merchants engaged in purely domestic trade come within the meaning of Sec. 3 (6) of the Immigration Act of 1924. Consequently the entries of this class of Chinese are likely to increase in the future.

Every applicant for admission in either class,—children of citizens or wives and minor children of exempt Chinese,—involves a dual system of investigation. First there is the preinvestigation of the alleged status of the husband or father seeking to bring his wife or children from China. If he claims to be an American citizen he must prove by means of a birth certificate or by affidavits of supporting witnesses the validity of his claim. Likewise if he be an alien domiciled merchant he must show "that he has been of an exempt status for the year preceding the application for admission of his wife or minor children, his testimony as to status being supplemented by two or more credible witnesses other than Chinese."[36]

If the result of this preinvestigation of status satisfies the immigration officials,—both those through whom the application was made and those at contemplated port of entry,—as to the validity of his alleged status, a copy of the testimony and affidavits with attached photographs of the affiant and of the "wife and child whose entry is desired" is "transmitted abroad for the use of the al-

[34] Charles Sum Shee et al v. Nagle, 69 L. ed. 640.
[35] Wong Chai Chong 4522.
[36] Treaty, Laws and Rules Governing the Admission of Chinese, October 1, 1926. Rule 9, Subdivision 2.

leged child in applying to an American consul for the proper documentation to enable the child to secure passage to a port of the United States." In the case of alleged children of citizens the same procedure is carried out. If they are eighteen years of age or over the American consul abroad issues them "limited United States passports"; if under eighteen, certificates stipulating conceded citizenship of alleged father.[37]

As soon as the alleged wife or child arrives at a port in the United States a second investigation takes place. The applicant for admission must prove to the satisfaction of the immigration inspector or the Board of Special Inquiry the bona fide nature of his claim. It is here that most of the trouble arises. The burden of proof is placed upon the applicant for admission and immigration officers seem to assume that all claims are fraudulent until proven otherwise. Hearings, as already indicated, are long and tedious, sometimes lasting throughout several days, while the applicant and numerous witnesses are questioned in great detail. Meanwhile the applicant is kept in the detention station. Many remain there from six to eighteen months awaiting the outcome of appeals to the courts.

"Last year my boy try to come to this country. He tried to get in under son of citizen. But they not let him come. They keep him one hundred and two days in immigration station at Seattle. Then send him back to China. I don't know what's matter. I think he answer one question wrong. No I don't fight case. No use fight case in Seattle. Just waste all money. San Francisco may be all right fight case. Have better chance San Francisco, no good here." (Race Relations Survey Document 243.)

These two classes of admissibles, so troublesome from

[37] *Ibid.*, Rule 10.

an administrative standpoint, scarcely as yet exist in Japanese immigration. In the first place the United States citizen class of Japanese are at present too young to have foreign-born children to bring to this country. The only part of the citizen class of Japanese that constitute anything of an administrative problem are the returning American-born children who were taken by their parents to Japan when quite young and are now, in adolescent years, seeking to reenter their native land. The problem confronting them is to prove United States birth. This as a rule is done by presentation of birth certificates or affidavits from physicians or midwives. It is only occasionally that evidence of American birth is inadequate to permit undisputed admission.

Likewise in regard to the wives and minor children of merchants, Japanese immigration presents no administrative problem comparable with that of the Chinese. The departmental interpretation of Section 3 (6) of the Immigration Act of 1924 restricts the meaning of the term "merchant," as applied to Japanese, to persons engaged in international trade or commerce. The Japanese domestic merchant, therefore, unlike the Chinese, is not permitted to bring his wife and minor children to the United States. Consequently a large class of Japanese merchants are thus summarily prohibited from troubling the immigration officials with requests to bring their families to this country. The international trader who is granted this privilege naturally presents no administrative problem.

Still another consideration which makes Chinese immigration a more complicated problem than that of the Japanese is the fact that a much higher percentage of Chinese travel steerage, and, in accordance with adminis-

trative practice, steerage passengers entering the country for the first time, are, as a matter of course, sent to detention quarters for medical examination and inspection. The steerage passenger is also more likely to create an attitude of suspicion on the part of immigration officers than the person traveling first class. For this reason Chinese, on returning to the country or having their sons brought over, very frequently make an effort to use first class accommodations even though they would prefer from economic considerations to travel in another class.

CHAPTER VI.

Ineligibility to Citizenship as a Basis for Exclusion

The United States employs three different systems of exclusion with reference to Orientals.[38] The Exclusion Law of 1882 with subsequent amendments excludes Chinese laborers on the basis of race. The Barred Zone Provision in Section 3 of the Immigration Law of 1917 excludes East Indians and some other Oriental groups residing within a prescribed geographical area.[39] Section 13 (c) of the Immigration Act of 1924 excludes all aliens ineligible to citizenship. This new basis of exclusion has given rise to a number of problems, both with reference to administration and with reference to group attitudes.

In the first place, it must be remembered that exclusion on the basis of ineligibility to citizenship does not exclude all members of a given race, nor is the selection based on grounds logical or easily determinable. Ineligibility to citizenship means ineligibility to naturalization. Citizenship, however, may be acquired by means other than naturalization. The Constitution provides that all persons born in the United States and "subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside."[40]

According to the Fourteenth Census there were 18,532 native born Chinese and 29,672 native born Japanese

[38] There is also the exclusion of special classes of undesirables under the general immigration laws.

[39] The zone includes India, Siam, Indo-China, parts of Siberia, Afghanistan, and Arabia, the islands of Java, Sumatra, Ceylon, Borneo, New Guinea, Celebes, and various lesser groups.

[40] Article 14, Section 1.

in continental United States in 1920. In Hawaii there were 12,342 native born Chinese and 48,586 native born Japanese.[41] Under date of October 31, 1926, the Japanese Consulate General of San Francisco published figures showing 63,749 American citizens of Japanese parentage in 10 western states. As this region contained 92.5 per cent of the total Japanese population of the country in 1920 it is probable that there are between 70,000 and 75,000 Japanese United States citizens in the country at present. The same publication listed 70,860 citizens of Japanese ancestry in Hawaii. This would give a total of about 145,000 for the continent and the islands.

In addition to the citizens of Oriental ancestry that are resident in the United States, there is a large but indefinite number living in China and Japan. This number is composed of (1) native-born citizens who have gone to the Orient with or without their parents and remained there, (2) children born in the Orient whose fathers were born in the United States. The Act of February 10, 1855, (Sec. 1993) states that "All children born out of the limits and jurisdiction of the United States whose fathers were or may be at the time citizens thereof, are declared to be citizens of the United States."

There is no way of ascertaining the number of such foreign-resident citizens. It has been estimated[42] that there are about 25,000 United States born Japanese now living in Japan. The number of United States citizens (Chinese) resident in China is a much more uncertain quantity. Most of such "citizens" are the foreign-born children of United States born Chinese fathers.

[41] Fourteenth Census, Vol. III, p. 1173.

[42] U. G. Murphy, The American Born of Japanese Parentage, 1927.

TABLE 9

Chinese claiming American citizenship by birth, admitted, 1917 to 1926[43]

Year	Foreign-born children of natives	No record of departure (known as "raw natives")	Native Born		Total
			Status as native born *	Status not previously determined	
1917	905	19	904	151	2,089
1918	331	13	492	98	1,066
1919	260	15	471	179	1,016
1920	843	15	691	191	1,881
1921	2,067	22	812	302	3,493
1922	2,292	25	1,239	278	4,230
1923	2,399	27	1,610	515	4,938
1924	2,136	11	1,912	476	4,931
1925	...	..	...	...	3,023
1926	...	..	...	...	2,396

* Determined by U.S. Government previous to present application for admission.

[43] Compiled from Annual Reports of the Commissioner General of Immigration. Complete data not available for 1925 and 1926.

Table 9 shows the number of foreign and native-born Chinese United States citizens entering the country during a 10 year period. Approximately 50 per cent of these Chinese United States citizens were foreign-born.

Many absudities arise in connection with this type of "American citizen" who applies for admission to the country of his allegiance. Frequently, such "citizens" come to the United States for the first time as mature individuals without the slightest knowledge of American institutions, customs or language. During the last two months, three brothers, Chinese, age 21, 35 and 39 arrived at the port of Seattle claiming admission on the grounds of citizenship. None of the three could speak a word of the English language or had the slightest idea of the country to which he was coming as a full fledged citizen. On the other hand, many Chinese, and Japanese too, have come to the United States as small children and have been reared here to manhood and womanhood but being foreign-born, they are not granted the privilege of becoming citizens.

Commenting on this situation in 1916, the Commissioner General of Immigration writes in his Annual Report as follows: "Under the naturalization laws of this country, it makes no difference how long a person of the Mongolian race may have lived here nor how devoted he is to our country and its institutions—how thoroughly Americanized in the substantial sense he may have become—he must remain a foreigner; he cannot become a citizen. Yet a person of the Monoglian race who is so fortunate as to be born here is vested by the 'accident of birth' with American citizenship; and no matter how thoroughly foreign he may be in his ideas, ideals and aspirations . . . . ,and even though he demonstrates his foreign inclination by going to the native country of his parents and marrying and establishing a home there and there begets children and rears them to maturity, ... the

children of such a person, born and reared abroad and having not the least idea of what American citizenship means, may at any time, either before or after attaining their majority, come to the United States, be freely admitted at our ports (irrespective of their moral, mental, or physical condition) and on the very day of landing claim and exercise all the rights, immunites, and privileges of American citizenship; and moreover, such a person's foreign-born children may also in turn assert American ciitzenship. Citizenship in this country should rest upon substantial elements, not upon mere technicalities."[44]

A quite opposite illogical outcome of exclusion based on ineligibility to citizenship is that a United States citizen (Chinese or Japanese) is denied privileges granted to alien residents of his own race.

"In the case of a wife of a citizen of the Chinese race, considered by the United States District Court in Boston, Massachusetts, Judge Lowell reviewed previous court decisions in which the Chinese exclusion law was interpreted and concluded that Congress in providing in the Immigration Act of 1924 for the admission of the wives and minor children of ministers or professors, did not intend to be more solicitous for the rights of such an alien than for those of American citizens, such a result being absurd and contrary to the principles of the construction of the statutes." (Letter from the President of the Chinese Chamber of Commerce of San Francisco to the President of the Chamber of Commerce of the United States, November 30, 1924.)

Reference has already been made to the fact that alien Chinese or Japanese merchants, domiciled or new comers, may, under the court and departmental interpretations of the act of 1924 and the respective treaty provisions, bring their wives and minor children to the United States while American citizen merchants of these races are not permitted to do so.

"It might not be out of the way, however, to call

[44] Pp. XV and XVI.

attention to the fact that while the Immigration Act of 1924 prohibits the admission of the alien Chinese wife of an American citizen, the Supreme Court of the United States has recently held that the act permits the admission of the alien Chinese wife of an alien Chinese merchant, who is resident in the United States. In other words, the act gives greater rights to the alien Chinese resident here than it accords to our own citizens of the Chinese race. It is submitted that an American citizen in his own country should certainly be accorded rights at least equal to those given to an alien resident here."[45]

The practical outcome of this interpretation of the 1924 act will be to encourage intermarriage between Chinese and other races or, what is much more probable, to further stimulate the present all too common custom among citizen as well as alien Chinese residents of this country to establish and maintain families in China and later bring their United States citizen offspring over here when they are old enough to get along without a mother's care.

Although the 1924 act excludes the alien wives of Chinese and Japanese United States citizens, it does not exclude their children—born after the father has established residence in the United States—thus producing the anomalous situation that when a mother and child arrive at a United States port the child is permitted to enter but the mother is debarred.[46] Likewise a child born in the United States during a temporary visit of the mother is

[45] H. R. 6544, p. 39.

[46] Immediately after the 1924 Act took effect a number of Chinese women (35), wives of Chinese United States citizens arrived at different United States ports. They were refused admission as aliens ineligible to citizenship but subsequently were allowed out on bond. During their stay in the country many have given birth to children. If the present ruling of the Supreme Court is not reversed these mothers will have to return to China but their children may remain here. (See H. R. 6544, p. 20).

a United States citizen and is not subject to the immigration laws, but a child, born to domiciled alien parents during a temporary visit of the mother to Japan or China, is an alien and can never attain United States citizenship. This feature of the 1924 act occasions illogical and severe discrimination among the members of a family group and in the eyes of the ordinary person makes the law seem unnecessarily harsh and unjust. A Chinese resident of Seattle expresses himself on the subject as follows:

"I have been taking care of a case there. . . . He is the son of a citizen. He took a trip to visit his wife in China. Brought his wife and nine months old baby back. Will admit the baby but not the mother. How can the father take the baby and leave the mother? Dirty place to stay. I wouldn't stay there one night. No other nation would treat anyone so. Not even let the mother out on bail. Baby has to stay in unhealthy place; sleep on mattress put on ground. Can't tell how long they will have to stay, but they have been there more than three weeks now. Have no milk or anything for the baby. No place to bathe baby, or wash clothes. Makes Chinese feel very, very bad." (Race Relations Survey Document, 283.)

Two cases are pending in the United States District Court in Seattle at the present time which illustrate further complications bearing on citizenship and exclusion. One is that of an American-born Chinese girl who visited China a year ago holding a citizen's return certificate. During her visit she married an alien Chinese, but a short while later separated from her husband and returned to the United States using her citizen's return certificate. In the course of immigration inspection it was discovered that she had married an alien ineligible to citizenship during her visit abroad and she was therefore denied admission to the country of her birth on the grounds that she had lost her citizenship under Section 3

of the Cable Act of 1922. Her attorney is fighting the case on the claim that her marriage in China was illegal and at present there is considerable correspondence with authorities in China to ascertain what actually constitutes a legal marriage. If the illegality cannot be substantiated the girl will be sent back to China where she has no relatives or means of support.

The other case is that of a young man, born in China, to the wife of a domiciled alien Chinese merchant. According to the Chinese polygamous system of marriage the claim is made that a man may have more than one legal wife. As the courts have decided that a domiciled Chinese merchant is allowed to bring into the United States his wife and minor children, the merchant in question is attempting to bring in his minor son born to his second wife. As far as the writer is aware this type of case has never been tested in the courts before. If the decision is favorable to the merchant the number of American citizens in China and of minor children of domiciled alien merchants who may make application for admission to the United States will be greatly increased.

Moreover, as ineligibility to citizenship is a legal concept rather than a physical or social condition this basis for exclusion is subject to sudden and frequent changes depending upon court interpretations. For instance each of the three large Oriental groups now excluded on the principle of ineligibility to citizenship was at some time or other in the past, granted citizenship.[47] Prior to the Act of 1882 Chinese were permitted to become na-

[47] The 1920 Census lists 1,834 naturalized foreign-born Chinese and 572 Japanese. Undoubtedly many of these were naturalized under the military Service Act of July 19, 1919.

turalized citizens.[48] The ineligibility to citizenship of foreign-born Japanese was not finally decided till November 13, 1922[49] and of East Indians[50] until a year later.

Prior to the Cable Act of 1922 alien wives of United States citizens acquired citizenship regardless of race by the fact of marriage. Many Chinese women of foreign birth entered the United States as American citizens (1,943 during the period 1917 to 1924) being the wives of United States citizens. The 1922 act, however, together with the Supreme Court's decision[51] of May 25, 1925, denies the right of citizenship to alien Chinese or Japanese wives of United States citizens of these races and excludes them from the country.

Exclusion on the basis of ineligibility to citizenship gives rise to discriminatory features that are highly obnoxious to national and racial pride. It is hard for a high class Chinese or Japanese to see the logic of being excluded from the United States on the basis of color when Africans, Mexicans and Filipinos are free to enter. The discrimination has been further accentuated by the recent decision of the Supreme Court that even service in the United States overseas' forces does not make possible the reward of citizenship, a reward which is given to other aliens, white and colored.

In the test case, Takao Ozawa v. United States, Justice Sutherland delivered the opinion of the Court:

Facts: "The appellant is a person of the Japanese race born

[48] The right of naturalization was expressly denied the Chinese by Section 14 of the Act of 1882. Prior to this a number of Chinese received naturalization through local courts, being considered as "free white persons." A small number of Japanese aslo received naturalization through similar interpretation of the first naturalization law of 1790.

[49] Takao Ozawa v. United States, 260 U.S., 178.

[50] United States v. Bhagat Singh Thind, 261 U.S., 204. (That the question of Indian citizenship is still unsettled is indicated by the Copeland Bill, S. 4505 introduced last Session.

[51] Chang Chan et al v. Nagle 69 L. ed. 642.

in Japan. He applied, on October 16, 1914, to the United States District Court for the Territory of Hawaii to be admitted as a citizen of the United States. His petition was opposed by the United States District attorney for the District of Hawaii. Including the period of his residence in Hawaii, appellant had continuously resided in the United States for twenty years. He was a graduate of Berkeley, California, High School, had been nearly three years a student in the University of California, had educated his children in American schools, his family had attended American churches and he had maintained the use of the English language in his home. That he was well qualified by character for citizenship is conceded."

"The District Court of Hawaii, however, held that, having been born in Japan and being of the Japanese race, he was not eligible to naturalization under section 2169 of the Revised Statutes, and denied the petition. Thereupon the appellant brought the cause to the Circuit Court of Appeals for the North Circuit and that Court has, certified the following questions, upon which it desires to be instructed."

"The questions briefly restated are as follows: 1—Is the Naturalization Act of June 29, 1906, limited by the provision of Section 2169 of the Revised Statutes of the United States? 2—If so limited, is the applicant eligible to naturalization under that section?"

"1—Held: Section 2169 of the Revised Statutes, which is part of Title XXX dealing with naturalization, and which declared: "The provisions of this Title shall apply to aliens, being free white persons, and to aliens of African nativity and to persons of African descent", is consistent with the Naturalization Act June 29, 1906, and was not impliedly repealed by it."

"In all of the Naturalization Acts from 1790 to 1906 the privilege of naturalization was confined to white persons(with the addition in 1870 of those of African nativity and descent), although the exact wording of the various statutes was not always the same. If Congress in 1906 desired to alter a rule so well and so long established, it may be assumed that its purpose would have been definitely disclosed and its legislation to that end put in unmistakable terms."

"It is the duty of the Court to give effect to the intent of Congress. Primarily this intent is ascertained by giving the words their natural significance, but if this leads to an unreasonable result plainly at variance with the policy of the legislation as a whole, we must examine the matter further. We may then look to the reason of the enactment and inquire with its antecedent history and give it effect in accordance with its design and purpose, sacrificing, if necessary, the literal meaning in order that the purpose may not fail."

2—"This brings us to inquire whether under section 2169, the appellant is eligible to naturalization. The language of the naturalization laws from 1790 to 1870 had been uniformly such as to deny the privilege of naturalization to an alien unless he came within the description 'free white person'. By section 7 of the act of July 14, 1870, c 254, 16 Stat. 254, 256, the naturalization laws were extended to aliens of African nativity and to persons of African descent."

"Is appellant, therefore, a 'free white person', within meaning of that phrase as found in the Statute?"

"Held: The term 'white person,' as used in Rev. Stats., section 2169, and in all earlier naturalization laws, beginning in 1790, applies to such persons, as were known in this country as 'white' in the racial sense, when it was first adopted, and is confined to persons of the Caucasian Race."

"The effect of the conclusion that 'free white person' means a Caucasian is merely to establish a zone on one side of which are those clearly eligible, and on the other those clearly ineligible, to citizenship; individual cases within this zone must be determined as they arise."

"The appellant, in the case now under consideration, however, is clearly of a race which is not Caucasian and therefore belongs entirely outside the zone on the negative side. A large number of the federal and State courts have so decided and we find no reported case definitely to the contrary. These decisions are sustained by numerous scientific authorities, which we do not deem it necessary to review. We think these decisions are right and so hold."

"In passing on the eligibility of persons of the Japanese race to naturalization, the court has no function other than to ascertain and declare the will of Congress, and the culture or enlightment

of the Japanese people are not matters which can properly be considered."

The resentment engendered by this decision is reflected in the following statements: (1) taken from Hearing No. 69, 1. 8 before the Committee on Immigration and Naturalization on the admission of wives of American citizens of Oriental ancestry, and (2) from an unpublished paper written by a Japanese graduate student in an American university.

1. "Father and mother born in China. Oldest son, also called Sing Kee, standing in center of group, and also represented in inset, born Saratoga, California; served in United States Army in France, being awarded Distinguished Service Cross; Army citation accompanying same reading as follows":

'For extraordinary heroism in action at Monte Notre Dame, west France, August 14-15, 1918. Although seriously gassed during shelling by high explosive shells, he refused to be evacuated and continued practically single-handed, by his own initative, to operate the regimental message center relay station at Monte Notre Dame. Throughout this critical period he showed extraordinary heroism, high courage, and persistent devotion to duty, and totally disregarded all personal danger. By his determination he materially aided his regimental commander in communicating with the front line.'

"Some time after his discharge from the Army he went to China to bring to the United States his wife, whom he had married before entering the service. Fortunately he and his wife arrived in the United States June 16, 1924, and she was admitted. If his wife had arrived after July 1, 1924, she would not have been admissible."

2. "The incidents which tended to lessen Japanese friendship towards America were not to cease with the Immigration Act of 1924. On May 25, 1925, the United States Supreme Court handed down a decision denying to a Japanese who had served in the American army during the World War, the right to become an American citizen. He had been granted this citizenship by the local

court in Boston, on the common sense understanding that the Act of Congress in May, 1918, granting citizenship to aliens serving in the American Army, was intended in good faith to include all aliens. On this decision of the Supreme Court, the 'Yorozu', one of the largest dailies in Tokyo, comments (May 28): 'The United States deceived our nationals resident therein. She has thus forsaken her honour as a law-abiding nation. Before not only our own countrymen, but also all Asiatics, we hold this as an example of what America is alike.' The 'Osaka Mainichi', with a daily circulation of over one million copies, the largest in the Orient, made the following statement: 'Americans are as spiteful as snakes and vipers. It seemed as if anti-Japanese agitaiton had abated somewhat. Now it has blazed again more luridly than ever. . . The Supreme Court of the United States has handed down a judgment denying the Japanese the right of naturalization that she had promised when they joined America's expeditionary forces to Europe. . . . We hold the Government of the United States as an imposter. We do not hesitate to call that government a studied deceiver.' The 'Tokyo Jiji' published a cartoon entitled 'The Broken Promise', in which a Japanese with crutches sits on a straight-back chair, facing Uncle Sam, who is laughing, seated on a davenport with a cigar in his right hand. The inscription below read: 'The crippled Japanese to Uncle Sam: Didn't you promise me citizenship if I served in your army?' Uncle Sam: 'Oh that was war talk; I'll promise the same when another war comes.'"

CHAPTER VII.

Exclusion and the Family

Restrictive or selective immigration inevitably breaks up natural human groups. Human beings are not like grains of corn that can be sifted and sorted into classes without doing violence to sentiments and causing individual suffering. The most serious effect of exclusion upon Orientals domiciled here is that related to marriage and the family. It is well known that the family is a more fundamental social institution in China and Japan than in Western countries. The familial behavior of Orientals is difficult for anyone to understand who is not at least somewhat familiar with their kinship attitudes and customs. In the first place, practically every normal Chinese or Japanese man expects to marry and rear a family. To fail in this is to fail in life. No matter what possessions a man may have, he is not a success unless he is married and has a family. More than this, his relations toward his parents are much more rigidly fixed by custom than is the case in Western civilization. Filial piety is stronger and the sense of obligation to parents keener.

"It is the tragedy of human life if one has to remain single while he or she wants to settle. Their nature as a rule turns very queer unless they hold on tight the faith in God once delivered to them. I heard that two or three cases in Southern California committed suicide when they were thrown into the hopeless condition in getting their bride."—(Letter from a Japanese resident of Southern California, April 26, 1927.)

The Northwest American Japanese Association, when collecting information from its local branches, asked the question: "How

many become insane from not being able to marry?" Five local organizations responded to the question. Two reported three cases each of insanity from such a "cause"; one reported one case and two reported none. This information is presented here to throw light on attitudes rather than on "causes".

"You see, by Chinese tradition and custom, if my father wanted to retire now, he could do it, and I, as the oldest, would have to support him. Two girls that I know had a father about 60 years old, but he did not look more than 50. He sold out all of his business to get money to go to China and live. After about three years he came back to America and the two girls had to support him, working in a tea room to do so. Finally, after three or four years, he got tired of that, produced some more money from somewhere or other, and went back to China. If a girl marries, under such circumstances, however, she is free, except that she may have to support a new family. It is very hard for Chinese girls because marrying always means off with her own family and taking on a new one." (Survey Document.)

"One reason why I wanted to live in Seattle was that it is the nearest port to Japan and if my father, who is now elderly and retired, should become ill I would have to go back to Japan as quickly as possible for I am the eldest son and would have to take my father's place." (Survey Document, 35.)

It has already been pointed out that the common people, as distinguished from the upper economic and official classes, appraise exclusion almost entirely from the standpoint of its effect upon marriage and the family. The 1924 law introduced certain restrictions which have had a rather serious effect upon the family problems of domiciled Orientals, whether citizens or aliens. So far as the Chinese are concerned the new law changed the situation chiefly with respect to the United States citizen class. Alien Chinese laborers have never been permitted to bring their wives or children to this country since the beginning of Chinese exclusion in 1882. Also the status of the exempt classes is about the same now as it was

under the Chinese Exclusion Act, except that students and some other classes of temporary residents are now denied the privilege of bringing in their wives.

The Act of 1924 effected much more significant changes with reference to the domestic life of domiciled Japanese for the reason that the restrictions imposed by the Gentlemen's Agreement were less severe than those in vogue under the Chinese Exclusion Law. The conditions of the Gentlemen's Agreement permitted domiciled Japanese to bring their wives, minor children and aged parents from Japan irrespective of class or occupation[52] The 1924 act suddenly terminated this privilege to all classes except government officials, ministers, professors and treaty merchants.[53]

The Problem of Marriage. Domestic problems arising among domiciled Chinese and Japanese as a result of the new law may be considered under two heads: (1) the problem of marriage and (2) the problem of separation within family groups. It is the question of marriage, however, that seems to occasion the most severe hardship as measured by the reactions of local Chinese and Japanese people. But the marriage problem is not the same for the two nationalities. Among the Chinese the problem is almost entirely confined to the United States citizen class, while the Japanese of this class are practically unaffected by the law. The problem of marriage among the Japanese is confined to resident aliens, and especially to those in middle life.

The United States citizen class of Chinese has protested vigorously against the Supreme Court decision

[52] See Ambassador Hanihara's Note Respecting the Gentlemen's Agreement, in *Japanese Immigration,* by Raymond L. Buell, p. 359.
[53] Section 3 (1), (6) and Section 4 (d).

which excludes their alien wives.[54] They even succeeded in bringing their case before the House Committee on Immigration and Naturalization. At a hearing in February, 1926, they tried to persuade the House to introduce an amendment to the Immigration Act of 1924 which would add to the list of exempt classes under section 13, "the wife of a citizen of the United States."[55]

It is interesting to note that the Japanese United States citizens did not participate in this protest against the 1924 act. The silence of the Japanese in regard to this matter, is, of course, at least partially explained by the fact that the law does not affect them to the same extent as it does the Chinese for the simple reason that most of the Japanese American citizens are as yet below marriageable age, also because the ratio between the sexes is more nearly equal. But in addition to this fact, the entire system of Japanese policy toward the 1924 act comes into play, namely, the policy of keeping out of the courts and the headlines of the newspapers as much as possible. The Japanese believe that more is to be gained by silence than by agitation under the present condition of prejudice toward them. The Chinese are in a position where, by appealing to the public, their case is likely to be modified. Just the opposite is true of the Japanese and the Japanese know it. Consequently throughout the two and a half years which the law has been in operation, there has been no indication on the part of either group to join with the other in opposing the law or any feature of it.

It is rather surprising that an exclusion law should affect a class of United States citizens to the extent that they would go to such expense and trouble for redress. But two important factors lie at the base of the problem, namely race and disparity between the sexes. Native-born Chinese, like native-born Orientals in general, do not intermarry with the white elements of the popu-

[54] Chang Chan et al v. Nagle, 69 L. ed. 642.
[55] Admission of Wives of American Citizens of Oriental Ancestry, H. R. 6544.

lation. In fact there is as yet in continental United States very little intermarriage even between different racial groups of Asiatics. The United States citizens (Chinese), therefore, must secure their wives within their own racial group. Here they are confronted with the second factor, namely the disparity between the sexes. It might reasonably be expected that the ratio of the sexes of the native-born Chinese would be about equal since there is very little emigration of female Chinese. This, however, is not the case. According to the 1920 census there were 8,694 native-born Chinese males 21 years of age and over and only 1,437 native-born Chinese females in the same age class in continental United States. This is a ratio of six men to one woman.

Of course the native-born Chinese are not limited to the native-born Chinese women for marriage partners. They may intermarry with the foreign-born Chinese women. But here the disparity between the sexes is much greater than it is among the native-born. In 1920 the census showed 38,285 foreign-born Chinese males, 21 years of age and over, and only 2,209 for the corresponding class of females, a ratio of 17 men to one woman. Comparing the entire group of unmarried Chinese males, 15 years of age and over, with the corresponding group of females the figures are as follows:

TABLE 10[56]

	Single	Widowed	Divorced	Total	Ratio, males to females
Males	23,096	1,355	66	24,517	18 to 1
Females	962	371	15	1,348	

[56] Abstract of the Fourteenth Census of the United States, p. 216.

While the disparity between the sexes of unmarried domiciled Chinese was high in 1920 nevertheless it was much lower than at any time in the past. In 1910 there were 39 unmarried men to every unmarried woman, and in 1900 the ratio was 48 to 1.

The problem of marriage is also a troublesome one with the domiciled Japanese, but as stated above it pertains to the foreign-born rather than to the native-born. In 1920 there were only 412 native-born Japanese males, 21 years of age and over, in the United States and 246 females of the same class, that is a ratio of about 2 males to each female. If we consider the proportion of the sexes among the Japanese 15 years of age and over who were unmarried in 1920 the figures are as follows:

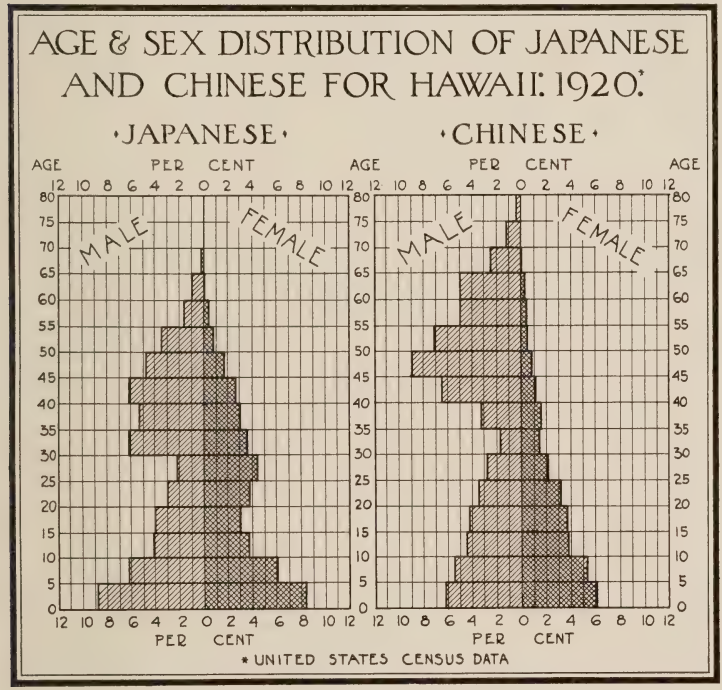
TABLE 11[57]

	Single	Widowed	Divorced	Total	Ratio of males to females
Males	24,423	1,118	154	25,695	13 to 1
Females	1,604	388	23	2,015	

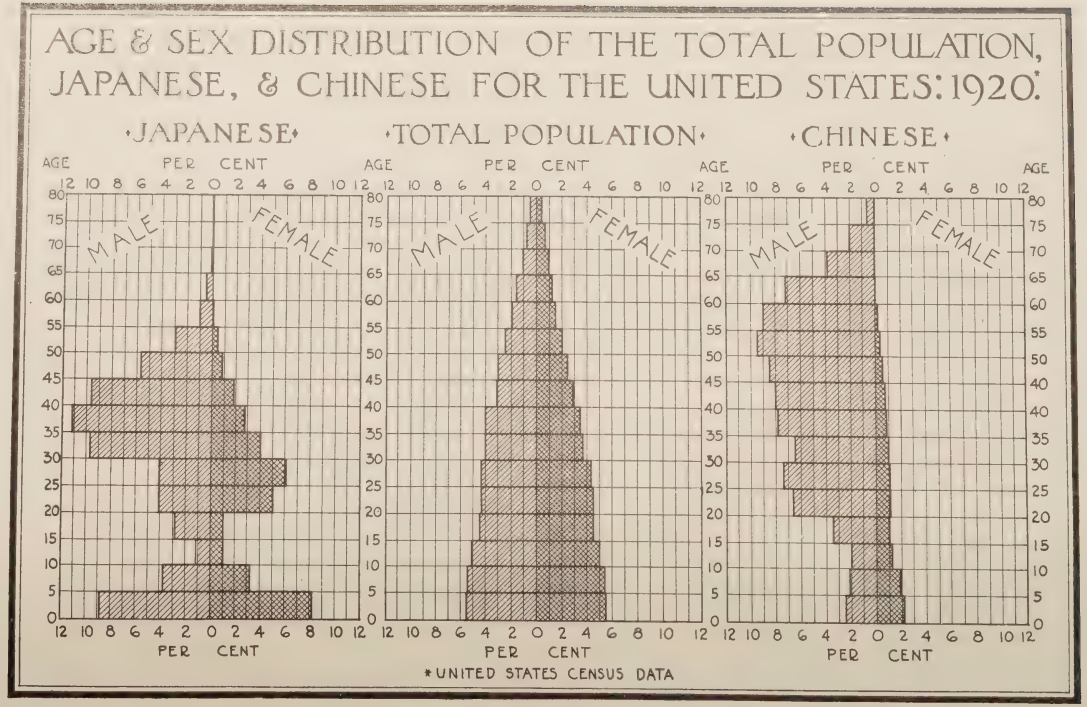
[57] *Ibid.*, p. 216.

The ratio of single Japanese men to women in 1910 was 42 to 1 and in 1900, 41 to 1. In 1910 the disproportion between the number of unmarried men and women was greater for the Japanese than for the Chinese. In Hawaii, 1920, the ratio of unmarried males, 15 years of age and over, (single and widowed) to unmarried females of the same age was approximately 4 to 1 while for the Chinese the ratio was 5 to 1.

Naturally the disproportion of the sexes is greater in the upper than in the lower age levels. The following charts compare the age and sex distribution with that of the population of the country as a whole. The data are for 1920; the Japanese population is undoubtedly more nearly normal now than it was seven years ago. The Chinese, however, have probably changed but little.



It is clear from these charts that while both groups are highly abnormal the Japanese constitute a much more nearly normal biological group than the Chinese. In the


AGE & SEX DISTRIBUTION OF THE TOTAL POPULATION, JAPANESE, & CHINESE FOR THE UNITED STATES: 1920.*
JAPANESE
TOTAL POPULATION
CHINESE
AGE
PER CENT
MALE
FEMALE
12 10 8 6 4 2 0 2 4 6 8 10 12
0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80
*UNITED STATES CENSUS DATA

lower age levels the proportion of the sexes for both groups is nearly equal. But the percentage of children is much less for the Chinese than for the Japanese.

The age and sex distribution, Chinese and Japanese, for Hawaii more closely corresponds with that of the country as a whole.

The contrast between the Chinese and Japanese population composition is very significant from the standpoint of the future. It is obvious that the Japanese will within a short period of time have no necessity of going to the Orient for wives. The marriage problem, therefore, among the Japanese is for the most part a temporary one, limited to males of middle life who came to the country during the first influx of Japanese immigration. While the problem of marriage among this element of the Japanese population is at present a very acute one because the American-born generation is not yet old enough to marry, and it is impossible for these men to secure wives from Japan, nevertheless as the years pass the marriage problem for the entire Japanese population will gradually diminish in importance.

Leaders in Japanese communities throughout the Pacific Coast states have sent to the writer lists of Japanese men between the ages of thirty and forty-five who are unmarried and who cannot secure wives in this country. Every local Japanese community contains a number of such men. They are too old and foreign in habits to secure wives among the American-born. Native-born girls are unwilling to marry alien Japanese and thereby forfeit their citizenship. The chasm between the younger generation of American-born and the older alien immigrants is much greater than is generally supposed. The following letter written by a young native-born Japanese to his chum in Seattle is quite typical of the family and courtship attitudes of the younger generation. It stands in striking

contrast to the Japanese system of marriage by paternal arrangement.

San Diego, California
Julp 30, 1926

"Dear S——

Thanks for the letter which I received from you today. Gosh, I was sure surprised to hear such interesting news from the old town. Say is that the truth that Y is in Los Angeles at present? What in the devil made him come to this neck of the woods. I couldn't imagine that he would leave the dear old town and desert his comrades (A and B). Anyway I would be surprised to find the rest of the Three Musketeers making a dash to the land of sunshine and flowers.

Also did you really mean it when you said that P has already got hitched? Well, well, another man gone wrong in this world for marrying so soon. He'll find out one of these days that they can't live on Love, alone. They say that Experience is the greatest teacher and whoever said that proverb is sure hitting the nail on the head.

And that poor V—— guy is really down to brass tack to get married is he? Here's hoping him the best of luck and may their love-nest be as happy and wonderful as they are dreaming it to be.

Say Bo-Zo I guess we are the only ones who are left behind in the dust. Well we can make up for it in another way and in one sense of the word we will be closer to our goal for success in this world, than the ones who are married. At least I hope so. What do you say old man?

Who's next on the row? A or B? Are there any girls who are announcing their engagements to the public lately? When is that S—— Queen "L" going to get married? Surely she can't wait too long for she'll also be an old maid before she knows it. There's a lot of others not mentioning names.

Yes, I went to Los Angeles about a couple of weeks ago and saw N the Sheik. I'll say he's a Sheik in Los Angeles. And by the way I met his future wife. Very nice girl indeed and also better looking than the average girl in Los Angeles among the Japanese. Really I didn't get to speak to her very much for we were busy and didn't have the time to chew the fat. However, all I can say is that she's a nice girl and I don't blame N raving

about her to all his friends. Anyway, you can't tell by looks only, for these days, good looks are very deceiving—as the saying goes.

N is also down to brass tacks and working like the devil. When I first saw him he looked awful worried or else he was thinking about something for he didn't act like the N—— of days gone by. In fact he had a far look in his eyes for some unknown reason, and I told him to cheer up and be himself. I got the impression that he is realizing the hardships that are confronting him more and more, and the responsibility that is on his shoulders. He seemed a little disgusted with life in general for he mentioned something to that effect. He says that his girl is willing to marry him right away but he seems to have refused her for he has thought things over and decided that it would be best for both of them to wait a little longer. Anyway he's not as foolish as some people, not mentioning names, to get married too soon and suffer the hardships that come with married life at such a young age. I admire him for that—that he has common sense to realize the cold fact that he must face, if he takes the plunge into matrimony. Anyway I tried to cheer him up the best I could and we talked over old times, together. I sure enjoyed seeing him for there is a common bond of friendship that draws us together when we are in this different country.

Say by the way do you know that fellow by the name of H. S.? That good for nothing bum is loafing around Los Angeles and doing nothing at all. At least that is the impression I got from the fellows who know him. Surprised indeed to see him. He's the same old nut as usual, and as a matter of fact I didn't hardly pay any attention to him at all.

There is not much news of any kind at present old man so I'll leave the rest to you to tell.

I'll excuse you for not answering for a long time due to the fact that you were in C——, but next time don't forget to answer my letters at an earlier date. So long,"

With the Chinese, however, there is no such probable future diminution in the problem of securing wives. The Chinese have shown but slight tendency to bring women or female children to this country. Their immigration

TABLE 12

Immigrant aliens admitted and emigrant aliens departed, by sex, showing net increase and decrease, fiscal years ended June 30, 1911-1926[58]

Year	Chinese admitted		Chinese departed		Net increase or decrease	
	Male	Female	Male	Female	Male	Female
1911	1,124	183	2,660	56	−1,536	+ 127
1912	1,367	241	2,483	66	−1,116	+ 175
1913	1,692	330	2,204	46	− 512	+ 248
1914	2,052	302	2,005	54	+ 47	+ 248
1915	2,182	287	1,918	41	+ 264	+ 246
1916	1,962	277	2,093	55	− 131	+ 222
1917	1,563	280	1,735	64	− 172	+ 216
1918	1,276	300	2,156	83	− 880	+ 217
1919	1,425	272	1,979	83	− 554	+ 189
1920	1,719	429	2,844	117	−1,125	+ 312
1921	3,304	713	5,112	141	−1,808	+ 572
1922	3,622	843	5,943	203	−2,321	+ 640
1923	3,239	835	3,625	163	− 386	+ 672
1924	3,732	938	3,553	183	+ 179	+ 755
1925	1,526	195	3,124	139	−1,598	+ 56
1926	1,182	193	2,746	127	−1,564	+ 66
Totals	32,967	6,618	46,180	1,621	−13,218	+4,997

[58] Compiled from the Annual Reports of the Commissioner General of Immigration.

TABLE 12—Continued

Year	Japanese admitted		Japanese departed		Net increase or decrease	
	Male	Female	Male	Female	Male	Female
1911	1,409	3,166	2,721	603	−1,312	+2,536
1912	1,930	4,242	1,167	334	+ 763	+3,908
1913	3,157	5,145	561	172	+2,596	+4,973
1914	3,292	5,649	615	179	+2,677	+5,470
1915	3,762	4,847	676	149	+3,086	+4,698
1916	4,033	4,678	635	145	+3,398	+4,533
1917	4,162	4,763	581	141	+3,581	+4,622
1918	4,821	5,347	1,215	343	+3,606	+5,004
1919	4,567	5,489	1,715	412	+2,852	+5,077
1920	3,414	5,865	3,181	1,057	+ 233	+4,808
1921	3,147	4,384	3,279	1,103	− 102	+3,281
1922	2,683	3,678	3,086	1,267	− 403	+2,411
1923	2,489	3,163	2,043	801	+ 446	+2,362
1924	3,784	4,697	1,537	583	+2,247	+4,114
1925	368	314	837	333	− 469	− 19
1926	425	173	830	371	− 405	− 198
Totals	47,443	65,600	24,649	8,020	+22,794	+57,580

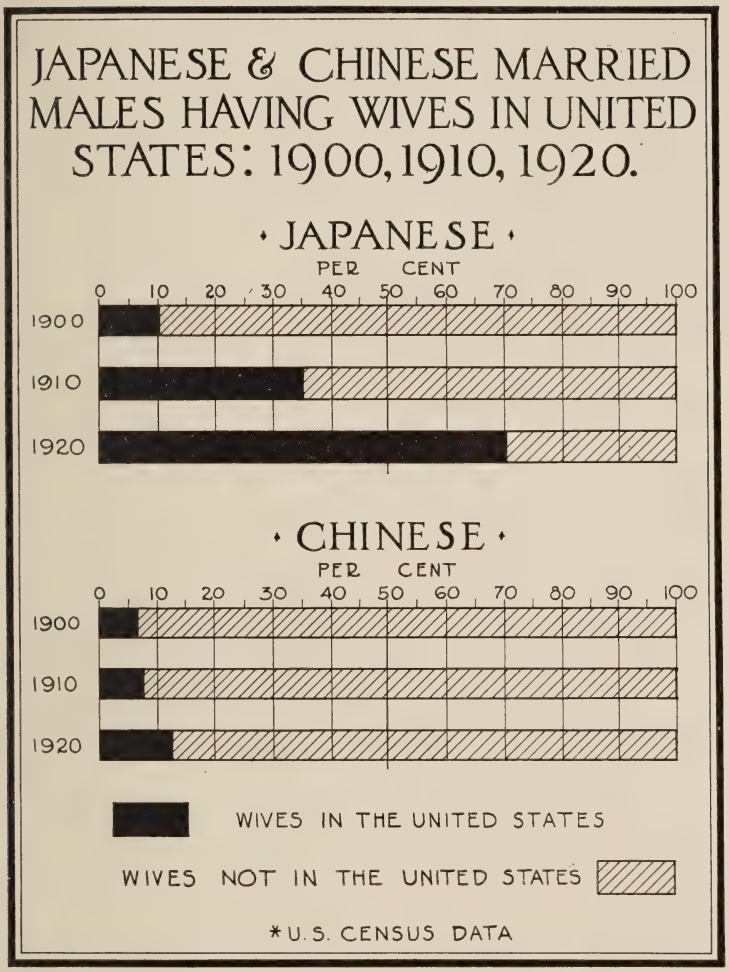
has been largely confined to males. The contrast between the Chinese and Japanese in this regard is indicated by Table 12 above.

Separation Within Families. This form of domestic problem assumes a variety of aspects. First there is the case of the wife and part of the family in the Orient and the husband with the rest of the family in America. Next the wife and husband are in America while some of the children are marooned in the Orient. A third, and less common, condition is for the children to be in America while the parents are in the Orient.

Problems of family separation like those of marriage have different characteristics for each of the Oriental groups. For instance among the Chinese the problem is one of husband and wife separation. The two main classes of domiciled Chinese, merchants and citizens, are free to bring their children to America. Merchants may bring their wives also but citizens are not granted this privilege. With the Japanese, on the other hand, owing to their habit in previous years of bringing their wives to America, the problem of separation is largely confined to children who are marooned in Japan and are unable to join their parents in this country.

The following chart presents a comparative picture of the marital completeness of the family life of Chinese and Japanese in the United States.

According to the 1920 Census the percentage of married males, 15 years of age and over, was about the same for Chinese, Japanese and the population as a whole, namely 49.7, 54.5 and 59.1 respectively. The Chinese, however, have shown but slight tendency to bring their wives to the United States. Only 12.3 per cent of the


JAPANESE & CHINESE MARRIED MALES HAVING WIVES IN UNITED STATES: 1900, 1910, 1920.
JAPANESE
PER CENT
0 10 20 30 40 50 60 70 80 90 100
1900
1910
1920
CHINESE
PER CENT
0 10 20 30 40 50 60 70 80 90 100
1900
1910
1920
WIVES IN THE UNITED STATES
WIVES NOT IN THE UNITED STATES
*U.S. CENSUS DATA

married males had their wives with them in the country in 1920 as against 71 per cent of the Japanese married males. Even the United States citizen class of Chinese frequently marry and leave their wives in China. During the 19 year period preceding the Act of 1924 only 2,848 wives of United States citizens (Chinese) came to this country.

The question naturally arises why the Chinese leave their women folk in China while the Japanese bring theirs to America. The Chinese Exclusion Law has prevented laborers from bringing in their wives, but even other classes who have not been denied this privilege have shown little tendency to do so. A few excerpts from interviews with representative Chinese may throw some light on the situation.

1. "My wife is still in China. I have not seen her for ten years. You wonder why I don't bring her here. Well that is the question. Because my wife come over here, and you Americans cause her a lot of trouble. You pen her up in the immigration office and then have doctors come and say she has liver trouble, hookworm, and the doctor does not know anything about it, to tell the truth. When my little boy came to this country, he was kept in the immigration office for over two months. Poor little fellow—he was so homesick. That is the reason why my wife hates to come over here. It would break her heart to have to stay so long in the immigration office." (Race Relations Survey Document 241.)

2. "I could not support my wife in this country so I leave her in China. When I come back in about a year and a half, my wife dead in China. Then I marry again in China. Very few Chinese women in this country. Chinese-born girl very much better anyway. Know all about China and don't cost so much." (Document 237.)

3. "In 1910 I go home, get married this time. I been back to China three times—in 1910, 1917, 1921. I no bring my wife this country. Cost too much to do that. Spend lots of money in this

country. My wife want to come, but I think best leave her in China. If law change, I would bring my boy over here maybe. I intend to bring my wife after few years if the law change, and I get money." (Document 263.)

4. "I went to China to marry. I no bring her back here for long time. I go back to China two three times to see her. I bring my oldest boy back some years ago. I have two boys born in China and one adopted girl, and two children born in this country, one boy, one girl. After boy come to this country, he write his mother, tell her to come. I want my children to get Chinese education. They must have Chinese custom and understand Chinese language because they always be Chinese." (Document 256.)

5. "Not many Chinese women in this country. Lots of men go to China for wives .Girls in China are more safe than here. No spend so much money, no all time want something. Chinese girl born in this country very wasteful." (Document 245.)

6. "Sure I go back to China three times. I get married when I go back in 1913. Last time I come back from China, I bring my boy with me. I leave my wife in China. Not enough money to bring her over here. I would bring her here if I had enough money. She wants to come very bad." (Document 251.)

Every Japanese community of any size in America contains some households from which the mother or one or two of the children are permanently absent as a result of the exclusion law. The Japanese have had a habit of sending their children back to Japan to be with relatives or to attend school. So when the exclusion law came into effect the foreign-born children and the mothers who did not return to America in time are now separated from their families.[59] The number of such broken families does not seem to be very great but wherever they are found they occasion severe local criticism con-

[59] In cases where legal residence in United States was established prior to 1924, it has been the practice of the Bureau to grant admission. The problem arises in connection with cases where previous legal residence for the absent members cannot be established.

The Bureau also admits infants conceived in the United States but born abroad during the temporary visit of the mother.

cerning the cruelty of the law. As a result of a questionnaire sent to seven branches of the Japanese Association—all in rural districts—65 cases were reported of families where either the mother or one or more children were in Japan and could not join the family here on account of the exclusion law. Many individuals from different parts of the country have written to the author of this paper citing similar cases of family separation.

Space does not permit, nor is it necessary for the purpose of this report, to present many instances of homes broken by the 1924 Act. One or two cases, however, will illustrate the problem.

1. A prominent Japanese resident of Pacific Beach, California, 40 years a resident in the United States, married and has seven children, six American citizens, one born in Japan. His wife went to Japan in 1919 to visit her sick father. She was pregnant at the time or her departure, and the child was born in Japan. She returned to the United States in 1920, leaving the child under the care of her parents. Sickness prevented her return to Japan for the child prior to the passage of the 1924 act. Her parents have recently died, and there is no one in Japan to take care of the child, and being an alien ineligible to citizenship, it is not possible to bring him to the United States except as a temporary visitor. In his petition to the Commissioner of Immigration, the father writes: "I have had faith in the United States for the past forty years, and I have today. The nation which stands for liberty, justice and humanity shall not fail me in my distress."

2. A young Japanese high school graduate of Los Angeles, an American-born citizen, 27 years of age, went to Japan on May 15, 1924, in order to secure a wife before the Act would take effect. He was too late to get back before the restriction was on. Consequently, his young wife was refused a passport, and he returned to the United States alone. Subsequently, a child was born to him in Japan, so now the mother and child are in the Orient, and the father, an American citizen, is in California.

This problem is not confined to Orientals alone. It arises in connection with all forms of selective immigration. It has, however, a more fatalistic connotation for Orientals than for other immigrants as exclusion is absolute while the quota system leaves a prospect for future entry.

The question of family separations resulting from selective or restrictive immigration is one that has always called forth a great deal of public sympathy. The Commissioner General of Immigration has frequently commented upon the need for generosity in dealing with such cases.[60] The President in his message to Congress, December 7, 1926, says in part "While restrictive immigration had been adopted for the benefit of the wage earner and in its entirety for the benefit of the country, it ought not to cause a needless separation of families and dependents from their natural source of support contrary to the dictates of humanity."[61]

[60] Annual Reports, 1925, p. 28; 1926, p. 23.

[61] See Monthly Record of Migration, International Labor Office, February, 1927, p. 60. Attention is called to the Wadsworth Bill H.R. 6238 which provided for "non-quota status to the wives and unmarried children under 18 years of alien residents who came to the United States before July 1, 1924 and who have declared their intention to become American citizens." The bill was subsequently defeated by the House committee on Immigration and Naturalization.

CHAPTER VIII.

Problems Arising in Connection With Admissible Classes

The Act of 1924 specified seven different classes of aliens, ineligible to citizenship, admissible to the United States. These classes are grouped into two divisions, nonimmigrants and nonquota immigrants. The first division includes government officials, their families, etc.; temporary visitors; continuous through transits; and treaty merchants. The second division includes returning domiciled residents; ministers and professors, their wives and children; and students.

Inasmuch as certain of these classes create but relatively slight administrative problems they will be omitted from consideration in this paper. For instance government officials, through transits, ministers and professors, do not occasion problems of law enforcement to be compared with those associated with other classes of admissibles.

Government officials who travel with proper credentials are accorded the usual courtesies belonging to this class. During the fiscal years 1925 and 1926, 204 Chinese and 884 Japanese were admitted under the heading "Government officials, their families, attendants, servants, and employees." These figures indicate the extent to which each nation is officially associated with this country.

The class designated as "Ministers, professors, their wives and children" is numerically quite small, but here

again the Japanese greatly outnumber the Chinese, 117 as against 20 for the two fiscal years referred to above.

The through transit class of nonimmigrant admissibles is comprised, for the most part, of Chinese laborers en route to Cuba also of a few Japanese laborers crossing through Southern California to Mexico. Occasionally travelers crossing to and from Europe use through transit visas but as a rule they possess temporary visitor's visas which allow stop off privileges.

The through transit laborers are taken direct from the ships and placed under the custody of the railway company which transports them across country and furnishes bonds as a guarantee of their departure within the time limit imposed. This through transit traffic, while large in extent, (reaching 34,977 for the Chinese in 1918 of whom 28,838 were destined to France) occasions practically no administrative problem at the ports of entry. For this reason I shall omit further discussion of this class and proceed with an analysis of the administrative and social problems arising in connection with other admissible classes.

CHAPTER IX

Reentry From Temporary Visits Abroad

The habit common to all alien residents of the United States of making temporary visits to their homelands is well known. Commenting in his 1920 Report upon the unusual exodus of alien residents immediately after the war, the Commissioner General of Immigration writes: "The return movement of aliens is no new thing, however, for between 1908, when official records of outgoing aliens began, 36 left the country for every 100 admitted, and records of the Transatlantic Passenger Association show that in the 22 years, 1899-1910, as many as 37 steerage passengers were carried to Europe for every 100 brought to the United States."[62] This of course refers to all outgoing aliens and not merely to those leaving the country for a temporary sojourn abroad.

Domiciled Orientals reveal an even greater tendency than Europeans to revisit their native lands. During the two years of record under the 1924 Act, 63.1 per cent of all Chinese aliens and 63.2 per cent of all Japanese aliens admitted to the United States (through transits excepted) were returning residents. These figures do not include the reentry of United States citizens of Oriental ancestry. During the two year period in question, 2,659 United States citizens (Chinese) entered the country, and about half of this number were resident citizens returning from temporary visits abroad. Unfortunately the Commissioner General's reports do not indicate the number

[62] Annual Report, 1920, pp. 36-37.

of United States citizens of Japanese ancestry who leave the country for temporary visits to Japan. Undoubtedly the number is considerably lower than for the Chinese.

Although both Oriental groups show a pronounced habit of revisiting the Orient, still the Chinese show an even greater tendency in this respect than the Japanese. During the two years under the 1924 Act (1925 and 1926), a total of 3,732 domiciled Chinese aliens returned from temporary visits abroad. This number constitutes 83 per thousand of the total Chinese alien population in the United States in 1920. During the same two years, 5,264 alien Japanese residents returned, or a ratio of 24 per thousand of the total alien Japanese population in the country in 1920.[63]

Dr. S. Yoshioka, who is at present in the United States studying the health conditions of Japanese farmers along the Pacific Coast, has supplied the following data from his unpublished manuscript concerning 302 families and their return visits to Japan. These families are scattered throughout Washington, Oregon and California and therefore afforded a fair sampling of the frequency with which the agricultural population revisit their native land. The average length of time the heads of the 302 families were resident in America was 23.6 years. None was less than 10 years or more than 35.

302 families gave information
168 visited Japan 1 time
32 visited Japan 2 times
6 visited Japan 3 times
1 visited Japan 4 times
95 visited Japan 0 times

Undoubtedly, most of the temporary visiting abroad of domiciled Orientals is in connection with family affairs rather than for business or sight seeing. The unnatural

[63] Figures include Hawaii.

composition of the Chinese population in America is an important cause of much of the return travel to China. As indicated by the foregoing charts, the resident Chinese population is largely composed of fractional parts of families, adult males whose wives and minor children live in China. Then, too, much of the work in which the Chinese are engaged is of such a character—small business establishments with lots of help or seasonal contract employment—as to give time for travel abroad. Practically every mature Chinese male has made at least one or two return trips to his native land. The Japanese do not visit their homeland quite so much, largely because their population in the United States is more nearly normal. A large part of the Japanese temporary visits to Japan in the past has been to secure wives. The organization of special tourist parties of men became a common type of business after the Japanese Government in 1920 stopped issuing passports to "picture brides." This male tourist custom was known as the "kankodan system."

The Act of 1924 considerably reduced the volume of temporary travel to the Orient. The law seems to have affected the Japanese even more than the Chinese. For the two normal years prior to the passing of the Immigration Act, namely, 1922 and 1923, 13,187[64] Japanese returned from temporary visits abroad. This, of course, includes returns to Hawaii as well as to continental United States. In contrast to this the total number of Japanese reentering the country for the two years that the exclusion law has been in effect, namely, 1925 and 1926, was only 5,264[65] or a drop of about 60 per cent. The number of Chinese reentering for these two periods is

[64] Annual Report of the Commissioner General of Immigration 1922, pp. 136 and 140; 1923, pp. 152 and 154.
[65] *Ibid.*, 1925, p. 24, and 1926, p. 8.

4,806 and 3,732,[66] respectively, or a decline of only 20 per cent.

The sudden drop in the number of returning Japanese residents following the passage of the 1924 law is undoubtedly due to the fact that it is now impossible to bring alien Japanese wives back to the United States. Consequently, the motive for temporary travel to the Orient has been greatly curtailed. This is evidenced by the fact that a number of the previous promotors of Japanese tourist parties have now turned to other occupations. Also, it is more difficult now to secure reentry permits, at least a considerable number of would-be applicants are unable to qualify for return permits in accordance with the 1924 Act.

Prior to the passing of the 1924 law, it was comparatively easy for domiciled Chinese or Japanese to secure reentry certificates. Under the old Exclusion Law, the Chinese were and still are divided into two groups, laborers and exempts. Laborers were allowed to reenter the country on laborer's return certificates. The procedure has always been carefully guarded with this class. Certain property requirements were imposed as a prerequisite for the issuance of a laborer's return certificate. A legal residence had to be proven either by presentation of a certificate of registration under the 1894 Act or by proof of a previous return on a laborer's or merchant's return certificate. The maximum time that a laborer's return certificate allowed the holder to remain out of the country was two years.[67]

With the Chinese exempt classes, the procedure under the Exclusion Act was much less exacting. It was

[66] *Ibid.*, 1922, p. 143, 1923, p. 158, 1925, p. 24, and 1926, p. 8.
[67] Section 7, Act of September 13, 1888.

merely necessary to prove exempt status for a period of one year in order to secure a merchant's return certificate. The legal residence qualification was met practically by proof of mercantile status, and once the return certificate was granted it was good for any length of visit abroad.

"A recent decision of the Supreme Court, in the case of United States v. Chin Fong, holds that Chinese applying for return certificates or readmission to the United States upon the ground that they have been engaged in this country as merchants shall be required to establish only that they maintained such status for a period of one year immediately preceding such application for return certificate or departure from the United States, the question of their lawful domicile, if in issue, to be determined by judicial process and not by administrative officers." (Annual Report of the Commissioner General of Immigration, 1920, p. 302.)

With the Japanese, the procedure under the Gentlemen's Agreement was even more simple and probably more effective. The domiciled Japanese wishing to leave the country for a temporary period simply went to the nearest Japanese Consulate and presented his last entry Japanese passport, or, in lieu of this, evidence to prove his continuous residence in the country for a period of 5 years, and he was issued a certificate upon presentation of which the Japanese Government issued a new passport.[68] If upon leaving, he did not declare his intention of returning, but subsequently decided to do so, the Japanese Government required him to secure from the Japanese Consulate in America a certificate of legal residence. The Japanese Association usually assisted the Consulate in securing information concerning residence qualifications.

[68] The Japanese Consul also communicated with the foreign office in Japan supplying information on the basis of which the new passport was granted or refused.

The Immigration Act of 1924, Section 10 (b), has quite considerably altered the situation for both Chinese and Japanese as regards temporary departures from the country. The new Act introduced three features that were not included in administrative practice under either the Chinese Exclusion Law or the Gentlemen's Agreement. These are: (1) proof of original legal entry; (2) limitation of stay abroad; (3) previous entry for a permanent residence. While a return permit is not a *sina qua non* condition of reentry,[69] still the possession of one is a very considerable safeguard, and at the same time eliminates the trouble of securing a nonquota vise from the American Consul abroad.

Complaints against the operation of the Immigration Act of 1924, as far as it affects returning resident Orientals, are mild in comparison with those against some of its other features. In some respects, the Japanese prefer the present requirements to those in operation under the Gentlemen's Agreement. There seems to be less difficulty now in getting past the medical inspectors and the general requirements of the 1917 Immigration Act with a return permit than there was with the Japanese passport. On the other hand, there are some complaints against the enforcement of Section 10 of the new law which may now be briefly considered. The chief complaint arises in connection with the necessity of having to prove original legal entry before a return permit is issued. In this respect, however, the Chinese are better off than the Japanese. At present the Department accepts as evidence of original legal entry for Chinese of the merchant class merely evidence that the applicant has

[69] Section 10 (f) Immigration Act of 1924.

previously been legally admitted to the country on a merchant's return certificate.[70]

Chinese laborers, as far as their return privileges are concerned, are practically unaffected by the 1924 Act. A Chinese laborer, wishing to go abroad for a temporary visit, must secure a laborer's return certificate as a condition of reentry. In order to obtain this, he must prove legal residence, either by showing original legal entry to the country or by submitting an 1894 registration certificate. He must further, in accordance with the Chinese Exclusion Law, prove that he possesses property or debts due him to the value of $1000. The return certificate is granted by the local immigration commissioner at the port from which he embarks and through which he must enter upon his return.[71]

It is interesting to note that under the present procedure, the Chinese laborer has, as far as time is concerned, an advantage over all other Orientals in the matter of securing reentry permission. Not being under the 1924 Act, he secures his return certificate under the old procedure and, therefore, does not have to wait until Washington authorities are satisfied with the proof of his original legal entry. The advantage which the laborer thus possesses over the Chinese merchant is illustrated in the following case submitted by way of protest against the present manner of enforcing the 1924 Act.

"Wong Loy, admitted as the wife of a citizen in 1910. Application was made for a laborer's return certificate and was granted by the present Administration at Angel Island in April,

[70] This is based on the Chin Fong Decision 55215-726, Department Instructions to Local Commissioner, January 6, 1926. This privilege has been revoked by a new ruling issued by the Department of Labor since the foregoing was written.

[71] See Rule 14, Treaty, Laws and Rules Governing the Admission of Chinese, October, 1926.

1924. In the following year (July, 1925), another application for a similar return certificate was filed, but the commissioner held that this woman would have to secure a Return Permit entailing a delay of approximately 3 months, although she was anxious to proceed to China and had given up her employment in anticipation of her trip, and notwithstanding the fact that a similar certificate had been issued by the same officers just one year previous. This applicant was subjected to a delay of at least six weeks and to a loss of her earings during that period because of an extremely technical attitude assumed by the Commissioner at Angel Island, which was later proven to be wrong through my appeal to Washington, and as a result of which she was granted a laborer's return certificate originally applied for."[72]

The Japanese suffer considerable hardship from the requirement that proof of original legal entry is essential to the issuance of a return permit. "Previous admission, however legal, as a non-immigrant or as a student under Section 4 (e) is not considered as a previous lawful admission for the purposes of Section 4 (b) of the Act."[73] Many Japanese who entered Hawaii years ago and crossed to the mainland prior to 1907, the year the President's Proclamation forbade further migration of Japanese laborers from Hawaii to continental United States, have difficulty now in proving original legal entry. Records of early entries to Hawaii are not very complete, and passports in many instances were not stamped upon arrival at the mainland. Consequently, most Japanese who entered continental United States by way of Hawaii are now unable to secure return permits. If they visit Japan, they must takes chances on being re-admitted on nonquota visas.[74] In this connection, they must convince the Ameri-

[72] A letter to Honorable Beverly L. Hoghead, November 13, 1926, written by the attorney for the Chinese Chamber of Commerce of San Francisco.

[73] Instructions to United States Consul abroad.

[74] It is not at all uncommon for domiciled Japanese who are refused Return Permits on account of inability to prove original legal entry to go to Japan without return permits and take chances on being readmitted upon return.

can Consul in Japan of the validity of their claim of original legal entry; they must also be able to persuade the immigration officials at port of entry that their claim is valid. Usually such persons are denied admission by Boards of Special Inquiry, but on appeal to Washington, are admitted if they can prove legal entry to the United States prior to 1907.

A second complaint against Section 10 of the Immigration Act is in connection with the time required to obtain return permits even when the record is clear. In this respect, however, Japanese are in the same position as other aliens, but the Chinese merchant has to prove his mercantile status in addition to legal entry. The ordinary time required to secure a return permit is for residents on the Pacific Coast from three weeks to a month. The procedure is as follows: The ordinary alien, wishing to secure a return permit, goes to an immigration office and secures an application blank which he fills out according to instructions and sends to Washington. If his entry is clear, the permit is mailed to the immigration officer who gives it to the applicant. In addition to this, however, the Chinese must, under the Chinese exclusion law, prove their exempt status.[75] The investigation of mercantile status requires the supporting evidence of two witnesses other than Chinese to the fact that the applicant has been engaged in business for a period of not less than one year prior to the date of his application.[76] Until recently, the administrative practice has been, first, to await notice from Washington of legal entry status; then

[75] The Chinese are further restricted in being permitted to enter the United States only at prescribed ports. For instance Chinese residents of Seattle wishing to visit Vancouver, British Columbia, must go and return by boat through the port of Seattle. They cannot go by train or automobile the same as other aliens. Local Chinese merchants complain bitterly against this discrimination.

[76] Rule 17, *Loc. Cit.*, p. 72.

to conduct local investigation of mercantile status, and finally, to advise the Bureau of the result and await the issuance of the permit. This required from one to two for three month's time, depending on the nature of the investiation and the location of the applicant. The procedure has now been changed, however, by the ruling that mercantile status may be pre-investigated and the recommendation sent to Washington with the first application, thus saving time in the issuance of a permit.

The time limit of the permit is another point of trouble, but this is for the most part confined to the Chinese. The return permit when issued, is good for one year's absence. This time, however, may be extended for one or more six months' periods, providing the holder can satisfy the Department that his reason for asking an extension is valid. The Chinese complain that a year is too short a period for travel to China. The time involved in crossing the Pacific together with the very slow transportation in China, makes it quite difficult for a return to be made within a year's time. The Japanese seem to have little complaint in this regard. Most travelers who leave with return permits find a year sufficient for their purposes, and there seems to be little difficulty, when sickness or other conditions arise, to have the time extended.

One of the leading problems arising from the reentry privilege is in connection with Japanese who went to Japan prior to 1924 and who were unable to return before the new Act went into effect. This class is the cause of considerable administrative difficulty. They come to the United States with nonquota visas, but they have difficulty in proving upon arrival original legal entry.

The procedure is illustrated by the case of a Japanese who returned to Seattle on November 30, 1925. The ap-

plicant carried a nonquota vise issued by an American Consul in Japan. The case was brought before the Board of Special Inquiry and was refused entrance on the ground that the applicant was "an alien ineligible to citizenship and not entitled to the nonquota vise presented." The applicant produced letters to show that he had been in the United States in 1906. He also showed that he had returned to Japan in 1922. He could not, however, produce a return certificate from a Japanese Consul. This was taken to imply that he had left the United States with the intention of remaining in Japan. The case was appealed to Washington, but the appeal was rejected.

In connection with such cases, the administrative practice is indicated in the following excerpt from instructions sent to American Consuls abroad:

"Even in the case of a visit abroad of six months or less, inquiry should be made into the legality of the original entry of the alien. Previous admission, however legal, as a nonimmigrant or as a student under Section 4 (e) is not considered as previous lawful admission for the purposes of Section 4 (b) of the Act."

"After an absence, the burden of proof is on the returning alien to show (a) that he was previously lawfully admitted to the United States, (b) that he went abroad with the intention of returning to reside in the United States, (c) that he has established domicile in the United States, and (d) that his stay abroad, if protracted, was caused by justifiable reasons over which the alien had little or no control."

"The longer the interval of time the alien has remained abroad on a visit, the more exacting is the inquiry into the four points outlined in paragraph No. 120. Practically every case of an alien returning from abroad from a protracted visit is made the subject of an investigation by the Board of Special Inquiry at the port of entry and many are referred on appeal to the Secretary of Labor. It may be said in general terms that after a visit abroad of a year or more, the policy of that Department is to deny non-

quota status unless conclusive evidence on all four points is submitted by the alien."

There is another type of applicant for admission to the United States which has given rise to administrative problems, namely, infants born during the temporary sojourn abroad of the mother. On this point M. E. Mitchell, a prominent attorney in San Francicso, writes as follows:

"A year or so after the 1924 Immigration Act went into effect, Japanese mothers began to return from Japan with their infants conceived in the United States but born abroad during the temporary absence of the mothers. In the first case of this kind at San Francisco, the Department of Labor directed the landing of the mother and child under bonds for a temporary period. This matter was taken up in Washington by the Japanese Embassy with the result that such children if they return to the United States with their mothers, are now granted outright landing. A similar ruling was applied to the children of eligible aliens prior to this, and exetended later to the Japanese. I presume that it now applies to all aliens. When the change was first made, these infants and their mothers were landed on appeals to Washington, but this was changed so that they are now landed directly by local immigration officials. Recently, a case arose which further stretched this ruling. A Japanese mother conceived in the United States, returned to Japan for a visit where she gave birth to a child, and then came back to the United States without the child. She again returned to Japan, and brought the child back with her the second trip. Both mother and child were landed outright on appead."[77]

The return of United States citizens of Oriental ancestry gives rise to administrative difficulties. These returning citizens are of two general classes. First, those returning after protracted visits abroad, some of whom were taken as infants to the Orient years ago by their parents and now as adults are seeking to reenter the

[77] Letter March 23, 1927.

United States. They are admitted on presentation of birth certificates or other evidence sufficient to establish their claim to citizenship. The second class of citizens (Chinese[78] or Japanese) are those who go abroad with United States passports, to obtain which, of course, it is necessary to prove citizenship status.

In regard to the first class of citizens referred to, M. E. Mitchell writes: "There is very little trouble at San Francisco if children are accompanied by their parents. Trouble arises where the children have been sent to Japan possibly when quite young, and, after ten or fifteen years abroad, seek to return, and be landed as United States citizens. Frequently in such cases, the parents are dead or in Japan. Usually relatives in the United States supply satisfactory evidence of birth and identity. I know of only one case where a substitution was made. In this instance, I am told, there were two sisters, one born in the United States and the other born in Japan. The one born here was taken to Japan where she died. The one born in Japan was brought here in place of the one born in the United States. An investigation was made, early school records supplied, and the girl landed. The facts were found out by the Japanese in the community where the girl was taken, and there was a strenuous objection to the fact that they had been affecting the fraud. These objections were carried into action, and the girl returned to Japan within a few weeks."[79]

Concerning the second type of citizen, Mr Mitchell continues: "There is a Japanese now detained in the Immigration Station, who, I am certain, was born in the United States. Shortly after his birth, he was taken to Japan but came back to join his father residing near Seattle in 1919. At that time, the Gentlemen's Agreement was in effect, and in order for a child to come to the United States, it was necessary to have either a Japanese passport, an American passport if born in the United States, or a certificate showing birth in this country. The birth of this boy was not registered with the county officials, so he came back to the United

[78] Chinese, as a rule, go abroad temporarily with citizens' Return Certificates issued in accordance with Rule 16, Treaty, Laws and Rules Governing the Admission of Chinese, 1926.

[79] Letter, March 23, 1927.

States in 1919 with a Japanese passport. His mother stated at that time that this son was born in Japan. The boy went to Japan for a visit about six months ago. He was refused an American passport in Seattle, but the matter was taken up in Washingon, D. C., affidavits furnished, and a passport issued. He returned to San Francisco, December 29, 1926, and has been held in detention since that time. The case was investigated in Seattle, witnesses examined, records produced showing quite clearly the presence of both parents in the United States at the time of the birth—in fact everything points to United States citizenship except the statement of the mother in 1919, which is easily explained. Nevertheless ,the boy was denied landing here. The case was appealed. Since this letter was started, we have received word to the effect that the appeal had been sustained, and the boy will be landed immediately."[80]

Complaints are sometimes made that return permits issued by the United States Government are not a prima facie guarantee of reentry, even granting the identity of the holder. While in practice most holders of Return Permits are admitted without delay, still some whose cases arouse suspicion are subjected to another investigation of status. This matter has been discussed in the last two reports of the Commissioner General of Immigration. His recommendation is as follows:

"A permit to reenter the United States, once issued to an alien resident, should be *prima facie* evidence of his right to return, barring fraud or disease. We should treat the alien who is legally within our gates with the utmost fairness. To give an alien a permit to reenter which he has a right to believe entitled him to readmission, and then to bar him because of some requirement—which he has previously met and passed—is an injustice of which no government should be guilty, and gives rise to a great deal of justifiable criticism of our governmental methods."[81]

[80] *Ibid.*,
[81] Annual Report, 1926, p. 22.

CHAPTER X.

Temporary Visitors

A large and cosmopolitan class of admissibles is that known as temporary visitors. This includes aliens seeking entry to the United States "temporarliy as tourists or temporarily for business or pleasure."[82] The time limit for such visits is not definitely fixed by the Bureau. Inspectors and Boards of Special Inquiry are granted considerable leeway to assign time limits in accordance with the merits and requirements of individual cases, and extensions are allowed when requests seem valid.[83]

Chinese temporarily visiting the United States are required to hold Section 6 Certificates bearing a United States Consular's vise indicating the nature and purpose of the visit. Likewise Japanese tourists travel with their Government's passports stamped with the appropriate visas. The procedure is quite similar to that existing under the Chinese Exclusion Law and the Gentlemen's Agreement. The changes wrought by the new act lie principally in the more exacting administrative practice. Under previous procedure no time limits were imposed on temporary visitors, nor were bonds exacted as a guarantee of bona fide status. Furthermore the investigations now given at the ports of entry are more thorough than

[82] Section 3 (2) Immigration Act of 1924.

[83] Rule 3 Subdivision H, Immigration Laws and Rules of March 1, 1927, authorizes admission "for a reasonable fixed period on condition that such alien shall maintain such status of a non-immigration during his temporary stay in the United States and voluntarily depart therefrom at the expiration of the time fixed and allowed". Rule 24, Subdivision E, *Ibid.*, states "In no instance however shall the stay of an alien, admitted for a temporary visit be extended for a period in excess of one year from the date of original entry." This merely indicates the authority granted to local commissioners. The Bureau on appeals frequently does grant longer extensions.

formerly. Of course under the regime of the Gentlemen's Agreement Japanese tourists holding their Government's passports were subject only to the general immigration laws. But now each applicant for admission is inspected with reference to his admissibility under the Immigration Act of 1924.

Since the Immigration Act took effect July 1, 1924, 815 Chinese and 1,603 Japanese have entered the United States as "temporary visitors." Fewer Chinese of this class entered in 1926 than in 1925, 393 as against 492. The figures for the Japanese, however, are just the reverse, 952 and 651. This is one class of admissibles wherein the number of Japanese exceeds the number of Chinese. Obviously the reason for this lies in the comparative economic and political conditions of the two countries. China has been so pre-occupied during the last two years with her internal struggles that comparatively few of her tourist class of people have had opportunity for foreign travel. On the other hand, Japan's increasing participation in the larger economic and social order is stimulating her upper classes to wider and more frequent sojourns abroad.

The temporary visitor class, of course, comprises a wide variety of types of travelers. The rigid restrictions imposed by the Immigration Act on the immigrant alien, or permanent classes of immigrants, undoubtedly has caused many persons to visit the country as temporary visitors who would otherwise have come as permanent residents. Facts are not available to show the extent to which the restrictions have operated in this way. It is quite probable, however, that a considerable number of persons who are now debarred as immigrants are using this opportunity of seeing friends and relatives.

Comparatively speaking, the temporary visitor class of admissibles creates but few problems to administrative officers. Most of the Oriental visitors belong to the upper economic and social classes and therefore travel first class. As a rule, such passengers are inspected on board ship by both medical and immigration officers and are admitted without delay. Those who travel in classes other than first are required to go to the detention station for medical inspection, but this, in most cases, does not constitute a serious hardship nor does it take up much time.

"Japanese coming to San Francisco as visitors, either for business or pleasure, are landed for the most part, without difficulty. Local immigration officers are permitted to exercise their discretion in such cases, and a certain per cent are landed under bonds of $500.00 each. Mistakes have been made. Some landed under bonds should have been landed without bonds, and no doubt, others landed without bonds should have been required to furnish this guarantee of departure. I cannot say that I have any particular criticism in this respect for if discretion is permitted, as it must be in matters of this kind, errors of judgment are sure to follow. Several visitors coming to San Francisco have been denied landing and deported. In these cases, there existed doubts as to whether the Japanese really intended to do that which they stated.. The immigration officers felt that they would remain here permanently and denied them admission. Appeals to the Department of Labor were taken but the local rulings upheld." (Personal letter from M. E. Mitchell, dated March 23, 1927.)

Immigration officers carefully guard against admitting travelers who are likely to attempt to stay permanently. The Japanese Government is apparently trying to protect the rights of bona fide travelers by using discretion in the issuance of passports. The writer is informed that the Foreign Office does not issue passports to parents,

wives or children of domiciled Japanese until convinced that residence has been established and the claim is meritorious. As a rule domiciled Japanese wishing to bring their relatives to this country for a visit must have their status investigated by the Japanese Consulate or, as more frequently happens, by some local organization in a position to know the facts. The information is communicated to the Foreign Office and serves as a basis for the issuance or denial of the passport.

But nevertheless questionable cases frequently come to the attention of immigration officers.

For instance, a young Japanese girl who claimed to be seventeen years of age arrived at a Pacific port a short time ago with a passport issued by the Japanese Government and bearing a nonimmigrant vise from the American Consul at Tokyo. The girl claimed she was about to visit her uncle in California. Her youth and manner however aroused the suspicion that she was coming to the country to marry and remain here as an immigrant alien. In the course of the hearing before the Board of Special Inquiry it developed that the "uncle", who the girl claimed was married and had a family resident in California, was merely a detached student. This evidence seemed to corroborate the suspicion held by the inspector who had detained her, so the Board denied her admission. The motion to debar reveals the practice in such cases. The officer said, "I am not satisfied as to the object of the applicant's migration to the United States. While she claims to be seventeen years and eleven months old, she appears to be much younger. The relative to whom she is destined has no home here as he is simply staying with other relatives. I move to exclude the applicant as likely to become a public charge."[84]

The case was appealed to the Department of Labor but the appeal was rejected and the transportation com-

[84] This basis for exclusion is very frequently used when other grounds are questionable even though there may be but slight reason for suspicion that the applicant would become a public charge. This girl had traveled first class. She claimed to be the daughter of a prominent physician in Tokyo but she had only $50 in cash upon her arrival. Case No. 4630/1-11.

pany, in accordance with the law, was ordered to deport the girl to Japan providing the same accommodation as she had previously used.

The extent to which temporary visiting will be used as a means of solving the marriage problem occasioned by the 1924 Act remains to be seen. It is quite possible under the existing law for young women to come from the Orient and marry aliens domiciled in this country. Immigration authorities are acting with caution and discretion when they try to prevent such unions because they realize that once such marriages are consummated, the suffering caused by the inevitable separation later on will be greater than the hardship entailed in preventing the marriage in the first place. Marriage under such circumstances can never solve the marital problem at present confronting domiciled Chinese and Japanese. While, theoretically, it may be possible for wives, by making frequent visits to the country, to spend most of their time with their domiciled husbands, as a practical procedure it is out of the question.

Another type of problem associated with the temporary visitor privilege is that of change of status during the course of the visit. The law at present does not permit a nonimmigrant traveler to change his status to that of a nonquota immigrant even though he might be legally entitled in the first place to enter the country as such. The following cases illustrate the situation.

1. "Some months ago Chan Sui Way was landed at the Port of Seattle under File 12016|3111 by virtue of a Certificate under Section 6 of the Act of the Treaty between the United States and China. Shortly after his arrival, he became interested with Tai Sang Tong Company, importers and exporters, at 838 Washington Street, San Francisco, California. He was landed at

Seattle, Washington, under a bond of $500.00. In September last he was notified by Edw. L. Haff, Acting Commissioner of Immigration at the Port of San Francisco, that his application for permission to remain in the United States as a merchant and as a member of the firm of Tai Sang Tong & Company was denied, and that he was not allowed to change his status as a Section 6 Traveler to that of a local merchant. The letter signed by Mr. Haff goes on to state":

'As you were admitted to the United States for a temporary period only, you must govern yourself accordingly. The bonds in your case requires that you leave the United States not later than November 2, and that you give at least 5 days notice in writing to the Commissioner of Immigration at Seattle, Washington, as to the steamer and date of your intended departure.'

"The case was submitted to the Assistant Secretary of Labor, Mr. W. W. Husband who finally decided that the man must be deported. 'You will, therefore, note that the immigration officials have firmly made up their minds not to allow Chinese of the exempt class who come here as travelers, visitors or tourists . . . to change such status to one entitling them to remain in the country permanently.'"[85]

2. About a year ago a Section 6 Chinese woman traveler entered United States from Nanaimo, B. C., and went to visit friends in Fresno, California. During her visit, she married a Chinese merchant of that city and subsequently asked for permission to remain in the country permanently. The Bureau, however, ordered her to return to Canada and apply for a visa as the wife of a merchant. This procedure indicates the present position of the Bureau with reference to change of status during the course of a temporary visit.

Considerable difficulty arises in connection with tourists who overstay the time limit of their visas. The question has two sides. There is the bona fide high class traveler who for some reason or other neglects, or fails to secure extension privileges and as a consequence is

[85] Cited by the Chinese Chamber of Commerce of San Francisco in a communication addressed to the Commonwealth Club of California, November 13, 1927.

arrested and detained in the immigration detention station. A short time ago, a Japanese physician came to the United States in a semi-official capacity to investigate the health problems of the Japanese people resident here. His work took him longer than he had expected so he petitioned the Bureau at Washington for an extension of time. Immigration officers were advised that he had taken up practice as a physician, consequently he was arrested and incarcerated in the immigration station as a violator of the Immigration Law. The incarceration happily was of short duration as the circumstances were soon satisfactorily explained, and the man was released on bond. The incident, however, shows how problems arise in connection with the administration of the law.

On the other hand, there are many cases of direct intention to defraud. Recently three Chinese Section 6 Travelers came to Seattle from Vancouver, B. C. Shortly afterwards they accepted jobs with a cannery contractor and were shipped to Alaska to work in a cannery. Immigration inspectors hearing of the deceit wired officers at Ketchikan, and the men are now under arrest awaiting deportation.

The exaction of bonds gives rise to some complaint among travelers. It is frequently difficult to secure a bondsman, and the task usually involves some time. In the meantime, the traveler is kept in the detention station which as a rule is not a luxurious or comfortable place. This sort of treatment is offensive to legitimate and bona fide travelers, but from an administrative point of view it seems to be unavoidable. A case will illustrate the problem.

During the summer of 1926, several Japanese artisans arrived in Seattle holding nonimmigrant visas bearing

temporary visitor's stamps. These men were en route to Philadelphia to direct the construction of the Japanese exhibit at the Sesqui-Centennial Fair. The immigration inspector, not being advised of their legitimate objective, held them in the detention station awaiting further information of their bona fide status. The information came within a day or so, but the experience of being held prisoners in a country which they had come to befriend, aroused their indignation, and it was with difficulty that they could be persuaded to continue to their destination.

This instance is trivial in itself, but it illustrates a not uncommon attitude, namely, chagrin on the part of high class tourists at being treated with suspicion and compelled to undergo inconvenience and discomfort. Experience, however, with the necessary precautions in the enforcement of restrictive immigration has already begun to modify the disagreeable phases of the situation. Most of the upper class type of travelers prearrange to have some friend or organization verify their bona fide status, and in addition most travelers now carry credentials which serve as proof of the legitimate nature of their visit.

Actors and other public entertainers are a class of temporary visitors that are dealt with separately by immigration officials. Most applicants of this class are Chinese. During the first ten months of the fiscal year commencing July 1, 1926, 82 Chinese actors were admitted at the port of Seattle. Local commissioners have no authority to admit this class of visitor. They are reported directly to the Bureau at Washington and admission is granted after special bonds and other guarantees are supplied by the managers of the troupes as assurance that the visitors will leave within the time provisions granted.

Of course the effect of the 1924 law as regards the

temporary visitor's privilege is practically the same for Orientals as for other aliens except that immigration officers perhaps use greater caution in dealing with aliens ineligible to citizenship, because of the assumption that they might be more tempted to abuse this privilege on account of the rigid nature of the exclusion law.

What the effect of the Act will be upon future tourist travel from the Orient remains to be seen. The Chinese commercial organizations argue that the treatment which high class business men receive when visiting this country is likely to create such an attitude of resentment as to direct business and travel to European countries. There are no facts available at present to prove or disprove the validity of this argument.

CHAPTER XI.

The Treaty Merchant

The status of this class in the case of both Chinese and Japanese was defined by treaties consummated prior to the Immigration Act of 1924,—the Chinese by the Treaty of 1880[86] and the Japanese by the Treaty of 1911.[87] The Act of 1924 took cognizance of these treaties to the extent that it included among the admissible classes of aliens ineligible to citizenship, Section 3 (6) "an alien entitled to enter the United States solely to carry on trade under and in pursuance of a present existing treaty of commerce and navigation."

Departmental regulations have ascribed to the term "merchant," when applied to the Chinese, a somewhat different meaning from that used with reference to the Japanese. The administrative practice in vogue under the Chinese Exclusion Law has been continued, with certain

[86] Article 2 of the Treaty of 1880 states that "Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or for curiosity, together with their body and household servants, shall be allowed to go and come of their own free will and accord, shall be accorded all the rights, privileges and exemptions which are accorded to the subjects and citizens of the most favored nation". The Act of 1882 as amended by the Act of 1884 defined the term "merchant" restricting the meaning to exclude "hucksters, peddlers." The Act of 1893 further defined the term "merchant" as "a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor except such as is necessary in the conduct of his business as a merchant." (Treaty, Laws and Rules Governing the Admission of Chinese, October 1, 1926).

[87] The Treaty of 1911 between Japan and the United States, supplementing the Treaty of 1894 granted: "The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territory of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their own choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects. (Treaties of the United States, Vol. III, p. 2712).

modifications, under the Act of 1924. Accordingly the term "merchant," as applied to the Chinese, includes domestic as well as international traders.[88] With respect to the Japanese, however, the executive practice has thus far restricted the meaning of the term "merchant" to persons engaged in international trade or commerce.

"In order to obtain a visa under the statutory and treaty provisions referred to the applicant must now show that he is going to the United States in the course of a business which involves, substantially, trade or commerce between the United States and the territory stipulated in the treaty. For example, one going to the United States as a member or agent of a commercial concern in his own country, in transactions involving commerce between the two countries, or one going to the United States with a stock of goods produced in his own country, to be sold in the United States and to be replenished from other goods produced in his own country, would be entitled to the benefits of the statutory and treaty provisions in question."

"The distinction to be observed is between the two countries and the case of an immigrant or settler who seeks to come without such a relation to commerce, but who may thereafter engage in purely local transactions which lie outside the purposes of the commercial treaty."[89]

The Act of 1924, together with the departmental rules and regulations associated therewith, has considerably affected the Chinese merchant class. While technically the same classes of merchants are admissible now as formerly still administrative procedure has become more severe.

---

[88] Wong Chai Chong, Circuit Court No. 4522, August 3, 1925. In this decision the Court held that an assistant manager in a Chinese restaurant was a merchant according to the terms of the treaty with China and was therefore entitled to bring his wife and minor children to this country.

[89] "State Department's General Instruction Consular" No. 926. The Japanese have not forced a court interpretation of the relation of Sec. 3 (6) of the Immigration Act to the provision enunciated in the Treaty of 1911. However in the Pawnbroker Test Case, No. 211, May 26, 1924, the United States Supreme Court held that a purely local retail service was included in the provisions of the treaty.

"The rules and regulations have conspired more and more to make the exempt classes conform to absurd technicalities . . . . . the Chinese are justly outraged, not because their laborers have been excluded nor even primarily because they have been ill treated, but because their honorable men and women have been harrassed and insulted within our own borders when they attempt to depart from or return to the United States."[90]

This statement has reference to the increasing severity of administrative procedure since the new law went into effect. In particular it refers to the more cautious interpretation of the meaning of the term merchant. In the past the administrative problem in this regard was to distinguish between merchants and laborers while now it is to distinguish between different classes of merchants. Again under the Chinese Exclusion Law little attention was given to the question of maintenance of status. It was always necessary for a merchant, wishing to bring his wife or children to the United States, or to secure a return certificate for temporary travel abroad, to prove his exempt status as a merchant. But a Section 6 merchant might enter the country with his wife and children and subsequently revert to the status of laborer without penalty. Under Section 3 (6) of the 1924 Act new comers are expected to maintain their mercantile status during their residence in the country, failing to do this they are subject to deportation.

Japanese aliens belonging to the merchant class have undergone a considerable change of status. During the period of the Gentlemen's Agreement when the burden of interpretation and administration was placed upon the Japanese Government the term "merchant" was, in ac-

[90] A letter from the Chinese Chamber of Commerce of San Francisco, November 13, 1926, to Hon. Beverly L. Hoghead of the Board of Governors of the Commonwealth Club of California.

cordance with the Treaty of 1911,[91] interpreted literally as applied to retail and wholesale dealers without reference to international or domestic commerce. Under this interpretation many more merchants were allowed to come to the country than are now permitted under the present interpretation of the 1924 Act. Small merchants who were in charge of independent establishments had little difficulty in qualifying for passports. On the other hand managers of foreign branches of Japanese firms produced an administrative problem. Technically they did not come within the meaning of the treaty as bona fide merchants. In actual administrative practice however they were classified and treated as such, but their employees were refused passports because they fell within the category of "laborers"—the class which Japan has promised to keep out of the country. The Immigration Act of 1924, while excluding small domestic merchants, has nevertheless clarified the position of the bona fide international trader, as the Department of Labor has ruled that not only the management but also the staff, including stenographers and servants, are now admissible.[92] Consequently Japanese merchants of this class are in a much better position now than they were under the Gentlemen's Agreement.

Under present departmental rules and judicial decisions the Chinese merchant class has an advantage over the Japanese. They are protected to some extent by the procedure of the Chinese Exclusion Law, which is less exacting than that of the Immigration Act of 1924. The Chinese merchant class, therefore, are not agitating for the repeal of the old Exclusion Law. Their objection lies in being included within the further restrictions of

[91] 37 Stat. 1504.

[92] This privilege, of course, is limited to clear cases of reputable international traders. Border line cases are dealt with more cautiously.

the 1924 Act. Back in 1923 when the new exclusion law was being considered by Congress, a special committtee of the China Club of Seattle investigated the complaints of the Chinese in regard to the impending bill and reported in part as follows:

"The Chinese complain of our proposal to include them in our general immigration provisions and supercede the Exclusion Law by provisions denying admission to them as being ineligible to citizenship. They say that they have submitted for forty years as the one people on earth to be made the object of an exclusion law by us and that the'gracious' proposal to now exclude them in our general immigration plan is only made because it gives opportunity to further limit their admission."[93]

The law of 1924 effected a very sudden decline in the number of Chinese and Japanese merchants annually admitted to the country. Detailed comparative data are not available as the Bureau has adopted a new system of classification since the 1924 Act became effective. The two tables listed below, however, afford a general idea of the movements of the merchant classes during the last ten years.

From an administrative standpoint there seems to be practically no difficulty so far as the high class merchants are concerned. They travel first class, are inspected on board ship like merchants of other nationalities and are landed from the ship without delay. For the first year of the 1924 Act a number of Section 6 Chinese merchants arrived who were denied admission on the grounds that they were laborers. A United States Court decision,[94] however, cleared the way for Section 6 merchants and more careful instructions to the United States

[93] February 8, 1923.
[94] Wong Tat Hing, United States Circuit Court of Appeals, No. 4383, June 1, 1925.

Consuls abroad have apparently solved the problem with respect to this class of admissibles. At the present time a very small number of Section 6 merchants apply for admission. Only fourteen were admitted at the port of Seattle during the last ten months, July 1, 1926, to May 17, 1927.

TABLE 13

Alien Chinese of the merchant classes admitted, fiscal years ended June 30, 1917 to 1926

Year	Section 6 Merchants	Returning Merchants	Merchants' Wives	Merchants' Children	Total
1917	180	691	111	583	1,565
1918	129	520	88	302	1,039
1919	138	512	91	214	955
1920	105	525	166	478	1,274
1921	287	702	271	1,045	2,305
1922	649	764	301	1,059	2,773
1923	497	980	319	1,058	2,854
1924	452	1,229	273	823	2,777
1925	...	...	...	...	75
1926	...	...	...	...	424

These tables are compiled from the Annual Reports of the Commissioner General of Immigration. The figures for the Japanese are taken from the classification of occupations of all Japanese aliens admitted and departed. This includes temporary as well as permanent arrivals and departures. Data are not available whereby to make a more refined comparison. In 1925, 75, and in 1926, 221 admissions were listed under the general heading: "To carry on trade under existing treaty." This is a blanket category and includes wives and minor children of merchants as well as the merchants themselves. The corresponding figures for the Chinese for these two years are 75 and 424, respectively.

Likewise the high class Japanese merchant presents no administrative problem, but trouble occasionally arises in connection with border line cases. In June, 1926, a

TABLE 14

Alien Japanese of the merchant classes admitted and departed, fiscal years ended June 30, 1917 to 1926

Year	Continental U.S.		Hawaii	
	Admitted	Departed	Admitted	Departed
Bankers:				
1917	42	24	...	...
1918	69	32	...	2
1919	54	35	2	1
1920	45	66	4	1
1921	78	72	2	1
1922	60	72	3	3
1923	61	62	9	6
1924	61	62	2	1
1925	45	44	2	1
1926	51	50	2	4
Merchants & Dealers:				
1917	693	671	118	118
1918	863	924	117	148
1919	1,052	1,012	75	170
1920	1,215	1,184	116	170
1921	989	1,161	115	150
1922	928	1,075	125	82
1923	898	877	135	92
1924	1,240	966	152	93
1925	518	749	65	62
1926	672	765	87	63

Japanese alien arrived at the port of Seattle holding a Japanese Government passport, visaed by the American consul at Kobe as of "Treaty of Commerce" class. The man was held for a Board of Special Inquiry investigation. It developed that he had been employed by a Portland Japanese firm in its branch store in Japan and was coming over to work in the Portland store. The company in question does a comparatively small exporting and importing business. In the course of the investigation ef-

forts were made to ascertain the financial and practical relation which the applicant had to the firm he wished to join. Stress was laid upon the size of the business, the nature and amount of importing and exporting. The Board, suspecting that the applicant was coming to work as a laborer in the establishment, denied admission on three grounds: (1) as an alien ineligible to citizenship, (2) as a person likely to become a public charge and (3) as an assisted alien.[95]

Failure to maintain mercantile status gives rise to administrative problems. The Bureau does not require merchants to make periodic reports such as are required of nonquota students, but inspectors usually try to keep check on doubtful cases, and upon failure to maintain nonimmigrant status the alien is requested to leave the country. Occasionally persons admitted as the employees of international firms fail to report at the firms to which they are destined. Others leave the firms and it is difficult to locate them. In doubtful cases bonds are usually required as a guarantee of bona fide intentions.

Immigration inspectors report that a number of young domiciled alien Japanese become attached to commercial establishments engaged in foreign trade in order to obtain the privilege of bringing their wives to the country. Some who are not married leave the country and later on apply for admission as nonimmigrant merchants thus sacrificing their domicile status in order to bring their newly acquired brides into the United States.

The most serious administrative problems arise in

[95] It is customary to deny admission on as many grounds as possible. Note the administrative use of Section 3 of the Immigration Act of 1917 in denying admission on the grounds that the defendant was likely to become a public charge, when there was nothing in the record to jutsify such a conclusion. Board of Special Inquiry, No. 5319/2-3.

connection with the admissibility of the wives and minor children of merchants. This subject has however already been dealt with, so little further need be said. The problem is almost exclusively confined to the Chinese, and represents two phases: (1) wives and children coming to join husband or father already domiciled in the country, (2) wives and children coming to the country at the same time as the treaty merchant husband or father.

The right of treaty merchants to bring their wives and children to the United States was grudgingly conceded by the Department of Labor on May 25, 1925, after much money and time had been spent in fighting the case through the Supreme Court. (Sum Shee et al v. Nagle, 69 L. ed. 642.) This case is very important for the reason that it expresses the attitude of the Department of Labor on the entire subject of exclusion. It is an attitude that reads into the law every possible interpretation which will make the exclusion of Orientals more nearly complete. Attention should be called to the memorandum of the views of the Department of State raised in the case of Cheung Sum Shee v. Nagle. The following is the summary of the position held by the States' Solicitor and endorsed by the Secretary of State, February 19, 1925.

"By way of summary, the following points are emphasized:

First. For reasons which are hereinabove set forth, and which have had the support of the Supreme Court of the United States, the wives and minor children of alien merchants entering the United States for purposes of trade and commerce under a present existing treaty of the United States are themselves clothed with a treaty right to enter.

Scond. If such wives and minor children are clothed with a treaty right to enter, it must be presumed that Congress had no desire to impair that right.

Third. The evidence is abundant and convincing that Congress itself not only had no desire to curtail that treaty right, but also deliberately undertook to respect the treaty right to enter of all who were clothed therewith.

Fourth. Inasmuch as the wives and minor children of alien merchants possess by treaty a right to enter, they fall within the reasonable scope of Section 3 (6) of the Act, and consequently remain unaffected by any provisions of Section 5 thereof.

In conclusion, emphasis must again be laid on the seriousness of the situation which would develop, if in addition to the restrictions upon immigration which Congress had the right to impose, it should be found that Congress by its legislation had violated a treaty right heretofore sustained by the Supreme Court of the United States to the prejudice of the rights of foreign traders and of the interests of our own commerce. It is earnestly urged that there is no provision of the Act which compels us to face such a situation."[96]

An anomalous feature of the present situation is that a United States citizen merchant of Chinese or Japanese ancestry is not permitted to bring his alien wife to reside in the country although an alien merchant of the same race is granted this privilege. In this respect the hardship is largely confined to the Chinese as very few of the native-born Japanese are as yet old enough to seek wives from abroad, also the ratio of the sexes among the Japanese is more nearly equal.

"It is interesting to note that the Japanese citizens of the United States have fewer rights because of the Immigration Act of 1924, than the Japanese aliens. I know of one perfect example of this. This young man was born in California, educated in our public schools and the University of California, and served in our army in France during the World War. Also, he is a merchant engaged in international trade. He married in Japan but can only have his wife as a visitor with the time fixed when she must depart. If he were not a citizen which, of course eliminates the services rendered our country during wartime, he would be classified as an alien trader, and permitted to bring a wife from Japan for as long a time as he remained in business. In other words, he is penalized because of his birth in the United States."[97]

[96] No. 769. Brief on Behalf of the Appellee.
[97] Letter from M. E. Mitchell, March, 1927.

The practical effect of the Act of 1924 upon the treaty merchant class of Orientals has been to reduce very considerably the number of arrivals. In so doing however it has raised the status of the international trader. For this reason the Japanese of this class are in favor of the present system. They do not wish to jeopardize the smooth operation of international commerce by attempting to gain admission for a few petty domestic dealers. China, on the other hand, being less highly organized on an international trading basis, has fewer persons who could qualify as merchants under the general regulations pertaining to Section 3 (6) of the Immigration Act of 1924.

CHAPTER XII.

Students

The term "student" has been defined by the Department of Labor as follows:

"A bona fide student within the meaning of subdivision (e), Section 4, of the Immigration Act of 1924 is a person at least 15 years of age who has qualified to enter, and has definitely arranged to enter, an accredited school, college, academy, seminary, or university particularly designated by him and approved by the Secretary of Labor, and who seeks to enter the United States temporarily for the sole purpose of pursuing a definite course of study at such institution, and who shall voluntarily depart from the United States upon the completition of such course of study."[98]

The following table indicates the number of non-quota students admitted to the country since the 1924 Act became effective:

Year	All Races	Chinese	Japanese
1925	1,462	328	62
1926	1,920	327	107

Student immigrants comprise but 6 per cent of the total number of immigrant aliens admitted during the fiscal year 1926. Chinese students constitute 23.9 per cent of the total number of Chinese immigrant aliens admitted during this year, and the Japanese students 17.9 per cent of the Japanese immigrant aliens. It is obvious, therefore, that from a mere numerical standpoint, the Oriental student question is a relatively more important part of Oriental immigration than European students are of European immigration.

[98] Rule 9, Subdivision (a), Immigration Laws and Rules of March 1, 1927.

During the last two fiscal years the number of Chinese students entering the country has declined to about half of the yearly average for the four-year period immediately preceding the new law. The decline, however, may be the result of the unsettled conditions in China as well as of the restrictions imposed by the 1924 Act. Compartive statistics for Japanese students are not available; it is quite probable, however, that the number of entries has diminished in the same degree as that of the Chinese.

The Institute of International Education has compiled data on the number of foreign Oriental students registered in colleges and universities in the country during the past five academic years.[99]

	1921–2	1922–3	1923–4	1924–5	1925–6
China	1,255	1,507	1,467	1,561	1,317
Japan	532	658	708	793	685

These figures include the enrollment of all alien Chinese and Japanese students and not merely the nonquota students who entered since the 1924 law became effective. The larger number of Chinese than Japanese students is at least partially due to the indemnity scholarship system. It is estimated that about one-third of the total number of Chinese students entering the country each year are Boxer Indemnity students.[100]

The Immigration Act of 1924 effected a considerable change in the procedure governing the admissibility of Oriental students. Chinese students, throughout the entire history of the Chinese Exclusion Law, have been included among the exempt classes. Their status was

[99] Bulletin No. 2, December 31, 1926.

[100] See McNair, "The Chinese Abroad", p. 256. This estimate corresponds with the statistics of entry at the port of Seattle, During the past ten months, July 1, 1926 to April 30, 1927, 175 Section 6 students and 66 Boxer Indemnity students entered through this port.

redefined from time to time by departmental rulings and judicial decisions. While caution was always exercised under the Chinese Exclusion Law to prevent laborers from entering the country in the guise of students no provision was made for checking up on the student after he was once admitted. He was free to change his status, although not legally supposed to. He might remain in the country indefinitely after the completion of his course of study. He might travel abroad and return on a traveler's return certificate.

Professor McNair has compiled an excellent brief history of the various definitions and interpretations relative to Chinese under the Exclusion Law. The definition of a student made by the Solicitor of the Treasury, June 15, 1900, was a "person who intends to pursue some of the higher branches of study, or one who seeks to be fitted for some particular profession or occupation for which facilities of study are not afforded in his own country; one for whose support and maintenance in this country,as a student, provision has been made, and who upon completion of his studies, expects to return to China." Treaty, Laws, and Regulations Relating to the Exclusion of Chinese, 38 (16). "One year later, in June, 1901, it was further pronounced that a 'Chinese person coming to the United States, and applying for admission upon the ground that he intends to study the English language, is not a student within the meaning of the Chinese exclusion laws'. . . . A student, according to the rules in force in 1920, is 'a person who pursues some regular course of study, including the higher branches of learning but not excluding the elementary or preparatory branches, if undertaken in good faith, and for whose maintenance and support as students in the United States adequate financial provision has been made or satisfactorily assured, and who, upon the conclusion of his studies, departs from the United States unless then found to be qualified to remain.'" Rule 8, (1) Treaty Laws, etc., 1920, 42. Quoted by McNair *op. cit.*, pp. 251-254.

During the period of the Gentlemen's Agreement, the task of regulating Japanese student admissions was within

the control of the Japanese Government. The actual procedure adopted is not known as no printed regulations are available. Japanese officials say, however, that the Japanese Government maintained strict regulations with reference to the issuance of students' passports. Two qualifications were always imposed: the applicant was required to show, first; that he had the educational qualifications to fit him for college or university work, that is, he had to be a middle school, or high school graduate; second; that his financial support was adequate to maintain him during his school period abroad. No checking up, however, was made after he was admitted to the United States. He was allowed to change status at will and to remain in the country as long as he wished just as Chinese or other foreign students were permitted to do.

The 1924 law, therefore, introduced four fundamental changes in the status of the Oriental student over that in vogue under previous procedure: (1) the intending student must obtain admission to an accredited educational institution in America as a prerequisite to the issuance of a nonquota vise; (2) he must prove to the satisfaction of the American Consul abroad that he has adequate financial support to maintain him during the contemplated period of study abroad; (3) during the period of his foreign education, he must regularly attend an accredited institution and carry a minimum number of school hour credits; (4) he must leave the country at the expiration of his student vise or course of study. These four fundamental requirements give rise to various problems of administrative, educational, and human nature types.

While evidence of financial competency to maintain student's status was required under the Chinese Exclusion Law and the

Gentlemen's Agreement administrative procedure obviously was not so strict as at present. M. E. Mitchell, April 11, 1927, writes from San Francisco, "I have asked local immigration officers what would be their ruling if a student, properly accepted by an accredited school, states that in order to carry on his education he must supply himself wholly or in part with money earned while he is attending school. The reply was that such a case would be denied here because there would exist a doubt as to whether the student is coming to the United States *solely* for the purpose of study. Any relief in cases of this kind would have to come from Washington by appealing to the authorities there for landing."

According to the present procedure, an Oriental student wishing to come to the United States for advanced study applies for admission to one of the schools on the list approved by the Department of Labor. In the event that the institution in question accepts the student for registration, he obtains from his government a passport, if he be a Japanese student, or a Section 6 Certificate, if he be a Chinese student. He then goes to an American Consul to obtain a nonquota student's vise. The Consul inspects the credentials submitted by the accredited school to which the student expects to go; he also investigates the student's knowledge of English and his financial status. This latter phase of the investigation seems to receive considerable attention at the present time. Relatives or friends who stand ready to support the student financially are required to show proof of their ability to do so and to make affidavits of their bona fide intention.

"The experience of the Bureau in the past two and one-half years is to the effect that many nonquota immigrant students gain admission to the United States totally unfit, because of insufficient knowledge of the English language, to at once enter the school to which destined and from which they have secured certicates of admission. These students cause much concern to the Bureau and to the schools, and therefore it is considered advisable

to request the Department of State to instruct consular officers that greater care should be exercised in the issuance of such visas and where the school has omitted to state in the certificate of admission the amount of English required by the student, and the prospective student is clearly unable to enter classes conducted in the English language, that the issuance of such visa be withheld until it can be definitely ascertained whether the school will be able to accept a nonEnglish speaking student. Therefore, it is requested that all schools indicate in the certificate of admission the exact knowledge of the English language a student must have before he can be accepted." (An excerpt from instructions sent to accredited schools by the Commissioner General of Immigration, April, 1927.)

Once his credentials are clear, and he has passed the ship's medical examination, the student sails for a United States port. If he travels first class and his credentials are clear he is usually admitted without delay; but if he travels in classes other than first, he is required to go to the immigration station for medical inspection.

M. E. Mitchell of San Francisco writes:

"At the present time, the policy of the medical examiners of immigrants at San Francisco is to send all steerage passengers to the Immigration Station for medical examination who are not returning from temporary visits abroad with Reentry Permits. This means that students coming for the first time as steerage passengers are sent to the Station even though they may pass the immigration examination without any difficulty. This is an inconvenience although not a real hardship in most cases, for generally speaking, the medical examination is passed on the day following arrival. Immigration inspection follows medical examination but unless a case presents complicaitons this is completed within a short time. If the officers wish to communicate with the schools before landing, this is done by telegrams. I do not believe that as far as Japanese and Korean students are concerned the immigration examination at San Francisco of steerage passengers is any more severe than it is of those coming in the first or second

cabins. No doubt many will consider medical examination at the Station rather than on shipboard a hardship but, as I see it, this can neither be avoided nor criticised. The Chinese probably have a different situation to deal with. A considerable amount of work is involved in each Chinese case so that if a Chinese is sent to the Station his examination is delayed. I do not know how quickly Chinese student cases are taken up but in other cases there have been, in the past, delays of several weeks before examinations are made. No doubt if a Chinese student is detained for even a part of this time awaiting examination, he has cause for complaint. The tendency of the immigration officials has been to be more strict with Chinese than with other Orientals so that Chinese students may be confronted with difficulties not experienced by Japanese or Koreans."[101]

Conditions at the port of Seattle are quite similar to those just described for San Francisco. Most Oriental students travel first class and thus escape the more rigid examination given to steerage passengers. The majority of Chinese students arriving at the port of Seattle come in large groups. Of the 175 Section 6 students admitted at this port from July 1, 1926 to April 30, 1927, 113 came on a single boat in the month of September. There are always, however, individual cases arriving throughout the year. Some travel steerage and are detained for medical examination. Even those who travel first class, on some of the older Japanese boats, are held for medical examination the same as steerage passengers. Students who are thus detained for several days in the immigration station, while their friends, who happen to travel first class on another line are liberated, complain bitterly against the "undemocracy of America." The number of students, however, who have had such experiences is comparatively small.

[101]Letter, April 11, 1927.

After passing the medical examination all students, like other immigrants, are inspected by immigration officers. Two points are stressed in this investigation: (1) to ascertain the student's knowledge of English as to whether he is reasonably competent to pursue university work, (2) to investigate his financial status to see whether he has sufficient funds to continue his proposed course of study. The investigations conducted by the consuls abroad are forwarded to the immigration commissioner at the port to which the student is destined. Consular investigations, however, are not accepted as prima facie evidence of bona fide student status. The credentials must satisfy local immigration officers before admission is granted.[102]

"The question of the administration of the Immigration Act of 1924 in regard to students is constantly coming up for almost every steamer brings some students whose landing is delayed generally because of his deficiency in English. I feel sure that the local officers are criticised for their attitude but this is not just because they are instructed by the Department to carefully examine all students as to their financial backing, ability to speak English, etc. I do not believe that this matter is handled properly either in the United States or abroad but it seems to me that the local immigration officials are not to blame—rather the authorities in Washington are responsible. This is rather evident, it seems to me, when one reads the law, the rules, and understands the instructions issued to the local inspectors. It is evident that in the rules there is an obvious attempt to legislate. The law says nothing about the admission of a student to a recognized school prior to coming to the United States but this requirement is specifically laid down in the regulations."[103]

---

[102] A Japanese student who recently entered the United States from a Canadian university presented his A.B. diploma which was written in Latin as part of the evidence of his bona fide student status. The inspector in charge was unable to read Latin so he held the student until a certified translation of the document was procured for which the student had to pay $10.

[103] Letter from M. E. Mitchell, May 19, 1927.

According to the present departmental interpretation of the law, Section 4 (e) students must be unconditionally accepted for enrollment by the institutions to which they are destined or they are detained by immigration authorities. If the acceptance is outright they are allowed to procede even when knowledge of English is obviously deficient.

"This strict interpretation has led to hardships in some bona fide cases. For example, the University of California accepts a foreign student for registration only after he has passed an examination covering his working knowledge of the English language. If a student comes to San Francisco to enter the University of California, the authorities will not permit landing until he has been accepted for enrollment. In a number of Japanese and also Chinese cases this difficulty has been overcome by sending the students to the University with some responsible person or with an immigration guard where the examination was taken. The students then returned to immigration detention and were released when the University notified the immigration officers that the examination had been passed. I do not know what would happen if the same procedure were applied by inspectors in ports situated far away from the University. Certainly a matter of this kind needs correcting."[104]

One of the most difficult administrative problems in connection with students in general and Oriental students in particular is that of checking up on the student during his educational career in the country. Occasionally students are admitted who never report to the institution which has accepted their registration. Others report but fail to attend classes or drop out after a brief period of attendance. Many schools fail to notify immigration officers of these facts with the result that a considerable percentage of students are always out of touch with the immigration authorities.

[104] Letter from M. E. Mitchell, March 23, 1927.

"Under the present practice the schools are requested to forward to the bureau (1) a notice of personal enrollment of the nonquota student, together with his address and the name and address of a reference in this country, and this information, together with (2) notice of termination of attendance, is all the reports require unless unusual circumstances arise in an individual case. Many schools neglect to advise as to termination of attendance, and the bureau frequently finds a student has been away from the institution of learning for some time but no notice to that affffect has been sent here. The bureau, therefore, requests that in addition to the reports indicated above, a notice be sent here immediately after the beginning of the fall and spring terms as to whether any change has occurred in the information previously furnished by the cshool and whether the alien is still in attendance for a full course of work."[105]

The officers assigned to student immigration at the different ports of entry have great difficulty in keeping track of many of their charges. Some students flit from one institution to another in rapid succession without notifying immigration authorities of their whereabouts and the institutions themselves are not always prompt in advising the Bureau of the registrations or withdrawals of their nonquota students.

Recently an Oriental student enrolled in a Bible school in Oregon. He attended classes during the first session of the school then withdrew and registered in the University of Washington. He was there less than a month; he next appeared in Pacific College which he attended for a short period; now his whereabouts are unknown. Another Oriental student registered at the University of Washington in the autumn of 1926. He failed in his autumn examinations and withdrew from the University and registered in a small college in Seattle where he stayed two weeks and dropped out of classes without notice. A

[105] Commissioner General's Instructions to approved Schools. No. 1552.

short while later, he appeared in the National Young Men's Christian Association. He stayed about a week and left for parts unknown.

The man hunts which the immigration authorities have to undertake in regard to Oriental students are sometimes of a Scotland Yard nature. It is not at all uncommon for officers to write to the American consul abroad to get the student's address in America or to ascertain whether he has returned to the Orient. The change in names, especially among the Chinese, lends color as well as trouble to this kind of detective work. Two cases will illustrate the difficulty. (1) A Chinese student who gave his passport name as Dzen Mien disappeared but was later discovered as Szu Mien. He disappeared again and was discovered a third time as Chen Grahm. (2) Another Chinese student whose passport name was Ngan Kyih Tsing registered in his college as Yen Khiy Tsing. He left without notice and was later identified in New York under the name of Leo K. T. Yen.

The problem of maintenance of student status assumes a wide variety of forms. First, there is the student who, on account of inadequate knowledge of English, is unable to carry the minimum educational load prescribed by the Department of Labor. The institutions complain that the Department's rulings are too rigid, at least for the first year of a student's foreign training. They do not allow for a nursing period when the student is becoming adjusted to the foreign environment. Consequently many students fail in their examinations and are compelled either to move to other institutions, whose requirements are less exacting, or to leave the country. Occasionally long suffering professors pass weak students

simply to permit them to qualify under the law to continue their education in the country.

On the other hand, immigration officers maintain that many students come under their supervision who are obviously unfitted both in regard to their knowledge of English and in regular academic work to pursue the regular course of college education. Officers in charge can cite numerous cases of clearly inadequate preparation for any sort of college or university work in this country. They maintain that many institutions accept for registration Oriental students who are inadequately prepared for college work.

The following cases present the problem from the point of view of the immigration authorities.

1. A Japanese student enrolled in an accredited university in the autumn of 1925. He registered for 15 hours of work. He failed, however, to make the required grade. For the succeeding term, he registered for 10 hours but did not take the spring examination because "he knew he could not pass". Investigation proved that he had nominally been attending school from 11 a. m. to 2 p. m. with one hour for lunch. During the months of his stay from July to March, he had been employed continuously. He was interviewed and told that it was compulsory that he establish and maintain a continuous student status to be granted the privilege of remaining in the United States. Failing to keep his promise to attend the university during the summer term, a warrant was issued for his arrest, and he was ordered deported. An attorney appeared in the case, a bond was executed, and the attorney assured the Bureau that the student would enroll in the fall term and establish and maintain a satisfactory student's status. The deportation proceedings were held in abeyance to give the student a further opportunity. The university, in which the student was about to enroll, advised the Bureau that "the student was dropped from this university because he failed in all of his work through the fall and winter quarters of 1925. He is denied re-admission to this university until he has improved his English." The student enrolled

in a small college for the fall term. Later the college advised that he had failed in the subjects in which he had enrolled. The attorney still requested further consideration for the student, appealing that it would be an injustice to return this "very intelligent student to his people with a sense of failure." The student, however, voluntarily departed from the United States in March, 1925.[106]

2. A Korean-Chinese student arrived at a Pacific port in April, 1925, destined for a southern college where he had been granted a scholarship. He did not advise the college of his arrival in the country nor when he expected to attend school. He proceeded East, visiting friends in Chicago, and New York. He finally enrolled in the college in September. On November 10, he withdrew from the college which had granted him admission and had given him the scholarship and proceeded to New York. He was later apprehended by the Department and in the course of the investigation which followed, he stated that he was unable to carry the 12 hour load as he did not know enough of the English language. He further stated that "it was not necessary for me to go to X College because I went to college in Shanghai for one year, for two years in Korea, three years in college altogether. X College taught that all over again. There is nothing I could learn there". Asked specially about English, he said that when he left China for the United States, he could speak only a few words of English. His attention was called to the fact that he had stated under oath in applying for a vise that he was able to speak English. He replied through an interpreter, "I did not swear about that because I could not speak English". Some of the questions in the Board of Special Inquiry hearing are as follows:

Q. "You previously stated that you knew everything that was taught at X College and for that reason you did not want to stay there. Is it true that you felt that X College could not teach you anything?"

A. "Yes."

Q. "Could you not have studied English just as well at X College as in New York?"

A. "New York is very much better to study English."

[106] Case submitted by an immigration inspector.

Q. "Have you ever done any ironing or pressing of clothes in New York?"

A. "Yes, I do that for fun sometimes."

Q. "Then you are willing to deceive the Government and lie despite the fact that you are a preacher?"

A. "Well, I respect the United States Government laws, and I never try to make a wrong statement. I did not know whether I deceived the United States Government or not. My conscience never dictates."

A warrant of arrest and deportation was issued but the man preferred to depart voluntarily.

These cases are cited merely to illustrate types of problems. They should not be taken as representative of student behavior in general. As a matter of fact the great majority of Oriental, as of other foreign students, are bona fide and have no difficulty in maintaining student's status. The following statement about foreign student behavior pertains to Oriental students as much as to others:

"In spite of the fact that it was felt the student provision would be taken advantge of as an easy means of entering the United States with the hope of ultimately securing permanent admission, which belief was caused partly by the fact that no bonding provision existed for this class of cases, it has been necessary to issue warrants for but 64 aliens who have failed to maintain a satisfactory student status." (Annual Report of the Commissioner General of Immigration, 1926, p. 12.)

Monetary problems are sometimes a cause of failure to maintain student status. The cost of living in the United States is so much higher than is expected when leaving the Orient that frequently students find their competence inadequate to meet expenses. According to Rule 9, subdivision (d), a student abandons his status "who engages in any business or occupation for profit or who labors for hire."[107] This rule, however, does not prevent

[107] Immigration Laws and Rules of March 1, 1927.

a student from supplementing his income provided he maintains his student status. An excerpt from a letter by Commissioner Husband to Stephen P. Duggan, dated October 3, 1924, states "It is not believed that if a student contributes to his own support by working, this would necessarily disqualify him for admission nor is it believed that he ought to be prohibited from working during vacation periods. The point is that he must be primarily a student and not a worker for wages with his studies as a secondary matter."

Various organizations in America assist students, particularly Oriental students, in securing employment during vacation periods, also in spare hours during the college term. The following excerpt from a letter by the Secretary of the Japanese Students' Christian Association in North America to a Japanese student who wrote for advice, will throw light on the attitude and practice of such organizations in regard to the financial difficulties of foreign students.

"I have your good letter of the 19th instant and I am taking this first opportunity to answer it."

"(1) Working part time during the academic year while enrolled and carrying on regular work is not against the new immigration law, according to the statement given out by the Commissioner General of Immigration. A similar interpretation is applied also to those who work during the summer months to support themselves. What the immigration officers are rather regent about is the fact that some students, so-called, wish to use the status of students although their primary purpose is to come to work in this country. Therefore, in order to go in harmony with the current immigration law students must maintain the status of regular student in order to be able to work part time or during the summer."

"(2) There will be plenty of summer work. If you will kindly let me know what type of work you prefer, I may be able

to help you out. Do you care to go to some boys' camp and assist boys? In such case there will be very little pay, but it will be a very good experience, both spiritually and physically."

"(3) Perhaps you read in the Bulletin that we have no loan fund. The present plan is to start one next year if the Financial Drive is successful. The Foreign Student Loan Fund of the Friendly Relations Committee is practically exhausted and unless someone pays in the meantime there is nothing from which to draw. On the other hand, I shall be very glad to be of help to you, and I herewith enclose my check for $50, which I hope will help you out until you receive remittance from Japan."

"As to your friend who is to come to this country in the near future, I very much doubt whether it is a good idea to encourage him. According to what I gather from your letter, he will, first of all, meet that perennial difficulty of language, without which no Japanese student can finish his education adequately in this country. In the second place, he will meet another perennial problem —finance. In the light of my past experiences in meeting Japanese students, I see many of them fail to accomplish anything simple because they come to this country believing they can find "bricks" on the streets. Even if one is willing to work, it is not an easy task to carry on regular college work, at the same time earning everything. This is more so in the case of mechanical engineers."

Sex and family problems give rise to considerable trouble with reference to maintenance of student status. During a single week (in May, 1927) the officer in charge of nonquota students at the port of Seattle had reported to her six cases of Oriental students who had to abandon college work as a result of pregnancy.[108] Three of these students had been surreptitiously married, the others were unmarried.

Occasionally married couples come to the United States without advising the immigration authorities of this relationship and after admission fail to maintain their student status.

[108] This, of course, is an unusually large number within such a short space of time. The problem, however, is important.

About a year ago, a married couple, Chinese, left China from different ports with student visas to attend universities in this country. They satisfied the American Consuls with their knowledge of the English language and with their financial ability to maintain their student status. The man was an American citizen of Chinese ancestry, the woman, an alien Chinese. Upon arrival in the United States, the woman never reported to the institution which had accepted her as a student, but instead they took up residence together as husband and wife. When the immigration officials finally located the pair, the woman was pregnant and not in a physical condition to enroll in an educational institution. Developments in the case proved that the woman was in a condition of advanced pregnancy prior to her embarkation from China. The child was born four months after her arrival in the United States. There obviously had never been any intention on her part to attend an accredited school. The student privilege was employed as a means of getting into her husband's country.

Another case of a somewhat similar nature will suffice to illustrate this kind of problem. In November of 1924, two alleged Japanese students, one male and one female, destined to the same university were admitted at a Pacific port. Upon arrival, these students went to live in different homes, each claiming to be unmarried. The woman student was never able to qualify in any work undertaken in the university to which she had been granted admission prior to her departure from her native country. The man carried the minimum registration required by the Bureau.[109] The immigration officer advised the wom-

[109] 12 hours per week.

an student that it would be necessary for her to maintain student status in order to continue her residence in the country. As a result, she registered at the university but never attended classes. Subsequent investigation proved that the couple had been married shortly after their arrival in the United States, that the woman was pregnant and consequently unable to establish a student's status. A son was born later on, and the couple voluntarily departed with their child to Japan.

The industrial student is one who is inadequately provided for in the present law. Rule 8, subdivision (f), stipulates that "employers of skilled labor desirous of training aliens in their establishments may be granted such privilege by the Department provided the prospective 'student laborers' are admissible in every other respect except that they migrate under contract, and provided a bond is furnished for each such alien in the penalty of not less than $500, guaranteeing that the alien will be employed in no other than a student capacity while within the United States and will leave this country immediately upon the conclusion of his course of training.[110]

This refers to the procedure in regard to students in general. Exceptional caution, however, is taken with reference to Oriental students belonging to races excluded on the basis of ineligiblity to citizenship. At present there is only one industrial plant in the country with which official arrangements have been made to admit Oriental industrial students. When an accredited institution combines practical industrial work with regular class work as part of the system of training, special arrangements have to be made in each case for Oriental students to be granted such educational privileges.

[110] Immigration Laws and Rules of March 1, 1927, Rule 8, Subdivision F.

It would appear that this is one part of Western education which in the future will be given more attention, especially by Chinese students. There is a growing attitude among certain Chinese leaders that what their students most require in the way of foreign education is the practical rather than the scholastic or theoretical training. At present, individual cases of industrial students are handled by means of the temporary visitor vise rather than by the nonquota student vise. The student comes to the country as a temporary visitor destined to study in a definite industrial establishment. A $500 bond is required to guarantee his bona fide claim and a time limit is prescribed on the vise.

The fact that nonquota students are not permitted to change their status at the completion of their academic course to that of minister or professor, exempts in Section 4 (d),[111] occasions some practical problems. Frank Herron Smith, Superintendent of the Pacific Japanese Mission, Berkeley, California, writes thus:

"There is a fifth result that is bothering me the past few weeks. I require a force of 25 preachers and workers in our churches and schools. The new law makes it practically impossible to get a young preacher who came in on a student's passport for any of our work. The pastor at Bakersfield went to Japan last January. I engaged a good man in Drew Theological Seminary to take his place. Now I find that he has only a student's passport and cannot take work as a preacher. To secure a preacher's passport a man must have a license and have been engaged in regular church work the preceding two years. That means that I must get my workers from Japan. A man from Japan is of no use. These young fellows with American educations are superior for the work here

[111] Section 4 (d) "An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of any religious denomination.

in every way. I have appealed to Washington to get a special permit for this man but have no reply yet."[112]

David A. Robertson, Assistant Director of the American Council of Education, Washington, D. C., who is generous in his praise of the way the Department of Labor is administering Section 4 (e) of the Act of 1924, draws attention to another problem resulting from inability to change status.

"Foreign students who have completed their university work are in difficulty when they wish to become teachers in the United States because even if they leave the country to secure a new vise they are frequently unable to give a record of two years as teachers." In regard to Section 4 (d) Mr. Robertson adds: "I think it unfortunate.....that the law specifies 'professor' rather than teachers. This has operated to exclude teachers in elementary and secondary schools who have been much sought by the Association of American University Women and professional schools."[113]

There is at least one point in the controversy over the student situation upon which there is agreement: namely the need of better undersanding of the educational standards of the institutions on both sides of the Pacific. The thousand or more accredited schools to which Oriental students may apply for admission represent a wide variation in standards and requirements. The student has no way of knowing much, if anything, about the institution to which he is seeking admission. On the other hand the accredited institutions in America have no knowledge about the scholastic attainments of many of the students who apply for admission. It is folly for an institution to accept unconditionally a student for registration in higher academic work when there is no way of rating the value

[112] Letter, May 5, 1927.
[113] Letter, May 27, 1927.

of the credentials which he submits of his previous training.

The opinions of persons having intimate knowledge of Oriental students and their problems are valuable in this regard.

Charles D. Hurrey, General Secretary of the Committee on Foreign Relations Among Foreign Students, writes:

"An underlying difficulty affecting Oriental students is the ignorance of American university authorities regarding the educational attainment of Oriental students: there is no standard apparently by which to evaluate the work done in Japan or China so as intelligently to classify the student upon arrival here. Naturally this ignorance of conditions in the Orient makes it very difficult for an institution in this country to send a letter to a prospective Oriental student assuring him that he will be accepted."

"The remedy for this would seem to lie in making sure that the various colleges in this country know how to rate the student from the Orient. There is a tendency on the part of Oriental students to enroll in a limited number of well known American universities and later to discover that they would have been much happier in smaller colleges."[114]

Sarah Ellis, National Secretary of the Young Women's Christian Association, Department of Immigration and Foreign Communities, summarizes the situation from the point of view of her organization as follows:

"I think up to the present, there has been a good deal of experimenting and a breadth of interpretation or a lack of breadth of interpretation of the immigration law, depending upon the individual officer in power. As I think of the student situation, there are just a few things which seem worth while our thinking about."

". Preparation for application for visa in the student's home country, probably an examining board would meet this require-

[114] Letter, April 5, 1927.

ment. This would stimulate students to a more purposeful preparation of English and institutions abroad to provide better English courses."

"2. Some provision might be worked out whereby an institution's acceptance of a student would carry with it a provision for directing his preparatory work in case he needed such preparation. This plan is not so good as No. 1, for a student might find even with this preparation he could not carry the advanced work of the original institution."

"3. There have been cases of students having been accepted by a particular institution who later have found that the course of study in some other institution fits their needs better, and wish to change schools. If the Bureau of Immigration is gotten in touch with, either by the student or the institution to which he first came, and if the school to which he desires to go is one on the list accepted by the Department of Labor, there is every probability of the Bureau's being agreeable to such change."

"4. When a student has come to this country for a stated period, if before the expiration of the time in case he wishes to extend his time of study, he makes application to the Bureau of Immigration for such extension, the chances are such extension would be given and there would be no difficulty."

"I am not taking the position that the law is just, nor that the student fails to live up to the requirements made of him by the law, but I do feel that this whole subject should be studied by all people concerned, so that the student might go forth with his work without the fear of molestation and at the same time the educational institution might see clearly what attitude to take toward this whole question."[115]

[115] Letter, April 27, 1927.

CHAPTER XIII.

Illegal Entry and Deportation

Reference has already been made to the manner in which exclusion creates a stimulus to illegal entry. The Commissioner General of Immigration writes:

"Alien smuggling and the illegal entry of aliens without the aid of smugglers have always followed in the wake of restrictive immigration legislation, and, very naturally, as such laws became more and more drastic the problem of enforcing them grew increasingly difficult. For a long time this problem, especially on the land boundaries, was largely confined to evasions and attempted evasions of the Chinese exclusion law, but in later years aliens of all races who, for one reason or another, could not enter the country in a legal way have resorted to border running in ever-increasing numbers."[116]

Illegal entry is of three general forms: first, misrepresentation of facts at the port of entry; second, surreptitious entry elsewhere than through the regular ports; and third, entry as nonimmigrants and failure to leave the country afterwards. Whatever the form of unlawful entry, effective administration of exclusion legislation requires that ways and means shall be established to punish or deport those who enter the country through backdoor methods. "Restrictive immigration legislation can never be enforced successfully until provision is made to penalize aliens who enter in violation of law."[117] The entire history of Chinese exclusion is a record of methods used to combat illegal entry. Experience with the Chinese has

[116] Annual Report, 1924, p. 13. See also 1925 Report, p. 14; and 1923, p. 1.

[117] *Ibid.*, 1924, p. 14

proven that unlawful entry assumes the characteristics of a business enterprise organized and managed along competent business lines.

It is impossible to determine the extent of surreptitious entry. Estimates at best are merely guesses. The Commissioner General reports that 20 per cent of the applications for return permits were rejected in 1925 on account of failure to prove original legal entry.[118] Statistics of deportations probably bear but little relation to the amount of surreptitious entry.

TABLE 15

Aliens deported after entering the United States[119]

Year	Chinese	Japanese
1917	99	63
1918	105	52
1919	86	137
1920	55	50
1921	341	71
1922	390	113
1923	224	109
1924	301	65
1925	261	83
1926	311	69

This table covers all deportations including those for physical and mental disabilities, poverty, crime, prostitution, etc., in addition to those entering without inspection.

There seems to be general agreement that smuggling

[118] Annual Report of the Commissioner General of Immigration, 1925, p. 12. Immigration inspectors estimate that from thirty to fifty per cent of all Chinese in the country have entered illegally. This of course includes those who entered by misrepresentation as well as those who came by surreptitious entry.

[119] Compiled from the Annual Reports of the Commissioner General of Immigration, Table XVIII, pp. 86-88, in the 1917 Report and similar tables for other years.

or surreptitious entry of Orientals has been carried on to a less extent during the last few years than formerly. In his 1926 Report,[120] the Commissioner General of Immigration says:

"The smuggling of Chinese over the land boundaries, which was a vexatious problem in the past, has been greatly reduced through the vigorous and effective campaign of the border patrol."

The reason however for the decline in Chinese smuggling may be partially due to causes other than effective patrol work. For instance, in 1923 the inspector in charge of the Jacksonville (Fla.) District writes:

"It is noteworthy that for reasons for a long time not understood there appeared to have been a sudden cessation of Chinese smuggling, and while it was feared for some time that new tactics were being employed whereby Chinese aliens were successfully eluding our officers, it now appears that this let-up was due to the more profitable and ready supply of aliens of other nationality who paid cash at time of embarkation, while the Chinamen continued to operate on a c.o.d. basis."[121]

It is a common belief among immigration officials that on the whole there is less surreptitious entry of Japanese than of Chinese. The above table of deportations is in harmony with this belief. In discussing deportations in his annual report in 1918, the Commissioner of Immigration, San Francisco, says:

"Notwithstanding the increased number of Japanese immigrants admitted, it is worthy of mention that fewer cases were reported to this office as subject to deportation than were considered last year; which fact strongly contrasts with the Chinese, concerning whom a greater number were investigated with a view to deportation, despite the decreased immigration from that source."[122]

[120] p. 8.
[121] Annual Report, 1923, p. 21.
[122] *Ibid.*, 1918, p. 294.

The commmon alleged source of Japanese unlawful entry has been across the Mexican border. During the period of the Gentlemen's Agreement, Japan adopted the policy of preventing independent emigration to Mexico in response to the protest in California that many Japanese were illicitly entering the country from that source. Since 1924, therefore, when Japan is no longer under the moral obligations entailed in the Gentlemen's Agreement, the presumption has been that she would permit extensive emigration to Mexico, and many might thus gain entrance through this backdoor into the United States. This however does not seem to be the case. The Acting Director of District No. 31, Los Angeles, writes as follows:

"The chief problem with reference to Oriental immigration in this district has to do with the smuggling of Chinese and Japanese from Mexico. These aliens proceed from China and Japan to Mexico and may thereafter enter the United States surreptitiously. The writer does not believe the Immigration Act of 1924 has materially affected the number of such entries, but the act in question has had a great deal to do, of course, with increased smuggling of European aliens who have been unable to secure proper credentials to proceed from Europe to the United States direct and who have gone to Mexico for the purpose of smuggling into this country at the first available opportunity."[123]

A prominent Japanese of Los Angeles writes:

"The smuggling of the Japanese across the Mexican border, in my opinion, has become much less than it used to be. One reason is, that the Japanese government is making it very hard to come to Mexico, and if ever a Japanese smuggler is found, nine cases out of ten, he is not from Japan but from the South American continent.....Under the Gentlemen's Agreement the Japanese government made it a policy not to permit any independent emigration to Mexico. The nullification of said Agreement by the United States in the enactment of the Immigration Act of 1924,

[123] Letter April 14, 1927.

logically left the Japanese government to take its own course so far as the Mexican emigration is concerned. However, the Japanese government thought it best to cooperate as much as possible with the United States in the legislation of the latter in order that the international relations should be kept on good terms. Japan has made her emigration to Mexico doubly stringent on this account and whenever applications are made to the Japanese Consulate for certificates required in sending for relatives from Japan, the Consulate sends one of its staff to the Mexican side, and unless he is fully satisfied with the condition that a particular Japanese person is in need of the assistance of his relatives in their firmly established business, the Consulate does not give him a certificate, which is the basis of the issuance of a passport by the Japaneee government."[124]

M. E. Mitchell of San Francisco draws attention to the fact that the depressed state of economic conditions in Mexico and Cuba has tended to discourage Oriental immigration to those countries which may account in part for the relatively slight problem of surreptitious entry from those sources.

"At the present time a very limited number of Chinese go in transit through the United States to Mexico and Cuba. A part of this number are former residents returning from a visit to China. All such aliens pass through this country under guard—they are not permitted to land under bonds other than those furnished in all such cases by the railroad company. It is believed that in the past many Orientals (Chinese and Japanese) have unlawfully gained admission to the United States from Mexico and Cuba."[125]

The methods employed to enter the country by other than the legal entrances are numerous. In coming direct from the Orient the alien may conceal himself as a stowaway, working either individually or under the direction of an organized ring, and gain entrance to the country

[124] Quoted in a letter by M. E. Mitchell to the writer, April 23, 1927.
[125] *Ibid.*, April 23, 1927.

without the knowledge of the management of the boat or of the immigration officers. A recent example of such a method of entry has come to public notice during March of this year when eleven Japanese were arrested at Portland, Oregon, and Aberdeen, Washington, in what was referred to in the papers as: "A Giant Japanese Alien Smuggling Ring." It appears that the stowaways were under the care of certain members of the ship's crew. Immigration officials obtained advice of the probable attempt at smuggling and were on hand when the boat landed. According to reports, three Japanese accomplices waited in parked automobiles for the arrival of the boat on which the stowaways were in hiding. The officers however frustrated the plan and arrests followed as soon as the boat docked.

A considerable amount of illegal entry has in the past come through desertions from crews during land leave.[126]

"At one time there were from three to five thousand such seamen (Chinese) in the port of New York alone, having been discharged from vessels on which their arrival occurred while such vessels were laid up awaiting an improvement in shipping conditions. The presence of so many idle and in many cases destitute Chinese seamen in New York at one time was a matter of grave concern not only to the bureau but to the local state and city authorities. Now that, according to reports, many of these Chinese have drifted into employment in neighboring manufacturing plants the problem has become even more acute..... While these Chinese are proper subjects for deportation, both under our Chinese exclusion laws and our general immigration act, it would cost probably as much as half a million dollars to deport them, and the funds are not available."[127]

[126] Provision is made for the arrest and deportation of any alien seaman who remains in this country more than sixty days. Rule 6, Subdivision 1, Immigration Laws and Rules of March 1, 1927. Masters of vessels are not held responsible for the shore leave of seamen unless the alien is brought to the United States in violation of the Immigration Act. Rule 22, Par. 9, 10, 11, 12.

[127] Annual Report of the Commissioner General of Immigration, 1922, p. 12.

Methods of land smuggling have greatly changed with the coming of the automobile and aeroplane. These rapid forms of transportation make the problem of border patrol a very difficult one. As I write, the newspapers report the tragic killing of an aviator by an immigration officer in an attempt to thwart what is alleged to be an organized system of smuggling Chinese aliens across the Mexican boundary line by means of the aeroplane. The newspaper comment reads:

"Daugherty and seven other airmen, arrested at the air depot, are accused by the immigration officials of being members of a large, well financed, smuggling organization, with its headquarters in the remote mountains beyond Tia Juana and with its local terminal at Eagle Airport. Definite information is in his possession that ten Chinese were flown across the border early yesterday morning, and landed in a barley field outside the city, Walter E. Carr, Director of Immigration for this district, said today."[128]

This episode illustrates the problem of combating smuggling under the present systems of communications. Boundary lines are becoming dimmer and the points of entrance more numerous with every step in the development of modern transportation. To meet the situation created by recent restrictive legislation as well as by the improved facilities of transportation, Congress appropriated a fund of one million dollars for "the establishment and maintenance of an immigration border patrol force."[129] By means of this fund a force of 450 patrol inspectors was organized and equipped to guard the Mexican and Canadian border lines.

It is obvious that control of illegal entry can be most effectively handled by international cooperation. The new kind of invader can not be held back by the efforts

[128] San Francisco Chronicle, May 2, 1927.
[129] Annual Report of the Commissioner General of Immigration, 1925, p. 14.

of a border patrol force alone. The Commissioner General of Immigration takes cognizance of this fact in his following remark: "No account of the activities of the border patrol would be complete if it did not make mention of the cooperation furnished by the officials of the Canadian and Mexican governments along the international frontiers. Much of the success achieved by the border patrol has been made possible by the good will and assistance which its officers have met with from officials along the international boundaries in their efforts to protect this country against the illegal entry of aliens."[130] If a similar form of cooperation could be worked out with the government of China (as soon as China evolves a responsible government) the problem of illegal entry would undoubtedly tend to diminish.[131]

After illegal entry is once obtained the procedure of expulsion is rather slow and costly. Years ago, under the Chinese Exclusion Law, the procedure in deporting a Chinese was confined to the United States courts. Chinese were arrested on judicial warrants while other immigrants were arrested on departmental warrants. The court's system of arrests was slow and tended to operate in favor of the defendant. Cases were appealed with great frequency and new evidence was allowed to be introduced in the appeal. Consequently many Chinese gained citizenship by judicial decrees when the imimgration authorities were unable to prove that the defendant's claim to citizenship was groundless.[132]

A Supreme Court decision in 1912, however, placed Chinese on the same basis as other immigrants with ref-

[130] *Ibid.*, 1925, p. 21.

[131] Japan is already voluntarily cooperating.

[132] Note the famous McGettrick certificates. By this judicial means about 1,100 Chinese persons were discharged as citizens while there is reason to believe that fully 90 per cent had been smuggled into the United States. See Annual Report of the Commissioner General of Immigration, 1908, p. 222.

erence to procedure in deportation.[133] That is, when an alien is suspected of being in the country illegally, immigration inspectors investigate and report their findings to the Department of Labor, which, if the evidence is sufficient, issues a warrant for arrest. A hearing is then conducted by a Board of Special Inquiry and the briefs are sent to the Department of Labor, which issues a deportation order or order of release depending upon the nature of the evidence. At present the case does not come into the United States courts unless the attorney for the defendant has been successful in obtaining a writ of habeas corpus. In the vast majority of cases therefore, the procedure in deportation under departmental administration is more rapid than under judicial warrant.

Considerable delay arises in connection with securing permission to deport to the country of which the alien claims to be a citizen. This problem does not arise if the alien is a citizen of China or Japan, but Chinese and Japanese who claim Canadian citizenship occasion much delay in deportation proceedings, it being necessary to verify the claim and to obtain from the Canadian government a passport for readmission. A case now pending in the Seattle station will illustrate the problem. A young Chinese girl, Canadian-born, crossed the international boundary somewhere in Montana. She was subsequently arrested as a prostitute in a town in Washington. She was subject to deportation both on account of illegal entry and on account of her immoral life. A warrant was issued by the Department for her arrest and later for her deportation. But at present the officers are engaged in obtaining the consent of the Canadian govern-

[133] Wong You v. United States, 223 U. S., 67.

ment to take the girl back as a Canadian citizen. In the meantime the girl is a prisoner in the Seattle immigration station. The case has continued for about two months and is not yet settled. Deportation is therefore a costly business.

Certain recommendations have been made by the Department in connection with the problem of deportations. These may be briefly reviewed. First, the Commissioner General of Immigration in his 1925 report advocates, "the appropriation of funds, to provide for a country-wide registration of all aliens now in the United States, with provision for future similar registration of newcomers within a stipulated time after entry." The Commissioner argues that registration is necessary for the control of the problem of immigration and it is the only means by which the number of aliens illegally in the country may be ascertained. He considers that it would eliminate the greatest incentive to unlawful entry and at the same time it would be of value to the law-abiding part of the alien population.[134] Another recommendation made by the Commissioner in his 1926 report is that, "Some penalty in addition to deportation should be imposed upon those who attempt to gain admission surreptitiously or by false and misleading statements."[135] At the present time an alien who enters surreptitiously must be apprehended within three years after date of entry in order to be subject to deportation. A third recommendation made by the Commissioner in his 1926 report is that a law should be enacted, "providing for the forfeiture and seizure by the Immigration Service of vehicles used in smuggling, or attempting to smuggle, aliens into the United States. A measure similar to the one under which cus-

[134] *Loc. Cit.*, p. 26.
[135] *Loc. Cit.*, p. 24.

toms seizures are now made should be enacted and would unquestionably prove not only a great deterrent to smuggling activities but also be of great assistance to immigration and border patrol officers in providing vehicles for their use in the performance of their duties."[136]

[136] *Loc. Cit.*, p. 23.

CHAPTER XIV

Effect of Exclusion Upon Oriental Communities In the United States

The first effect of exclusion as indicated by the Chinese experience and in some respects also by Japanese immigration under the Gentlemen's Agreement, is a decrease in the resident alien population. In other words exclusion tends to expel the resident population of the race in question in addition to preventing newcomers from entering. This is well illustrated in the case of the Chinese. Every decennial census since 1880 indicates a substantial reduction over the preceding decade in the number of Chinese in the country, notwithstanding the number that are supposed to have gained illegal entry. There are, according to the census reports, actually fewer Chinese in the country today than there were sixty years ago (1870—63,199; 1920—61,639). During the ten-year period from 1890 to 1900, the first decade after a rigid exclusion policy had been established, the Chinese population declined 17,625, and the next decade, 18,332. From 1910 to 1920 the decline was less pronounced, but substantial nevertheless, amounting to 9,892.[137]

The effect of the Gentlemen's Agreement upon the resident Japanese population of the United States is well summarized by Buell: "In the 15 years in which the Gentlemen's Agreement was in force, the total number of Japanese who entered and departed from the continental United States was 120,317 and 111,636. These admis-

[137] Abstract of the Fourteenth Census of the United States, 1920, p. 94.

sions were non-laborers and the three classes of laborers admissible under the Agreement. If Hawaii should be included, the total admissions during this period were 171,584 and the total departures were 155,488, making a total net increase of 16,096—a net increase for Hawaii of 7,415, and for the continental United States of 8,681. The total number of men admitted into the United States, including Hawaii during this period was 97,877, while the total number of men departed was 120,614, a net decrease of 22,737. The total number of women who entered was 73,707, while the total number of women who departed was 34,874, making a net increase of women of 38,833."[138]

No one knows to what extent the 1924 law will affect the growth or decline of the resident Chinese and Japanese population in this country. During the two fiscal years of its operation, however, 1925 and 1926, the excess of departures over arrivals was for the Chinese 659, and for the Japanese 9,694. The immediate effect of the law has been to increase slightly the exodus of Chinese and to convert an average yearly gain of Japanese immigration of 1,649 for the past 8 years into an average loss of 4,847 for each of the years the law has been in effect.

A further effect of the 1924 law is reflected in the following table showing location of permanent future domicile of Chinese and Japanese immigrants.

It will be observed that a larger percentage of both Chinese and Japanese immigrants are now taking up residence in New York State which in most cases means in New York City. This is undoubtedly due to the more careful selection of immigrants occasioned by the 1924

[138] World Peace Foundation Pamphlets, Vol. VII, Nos. 5-6, p. 291.

TABLE 16

Percentage of immigrants taking up residence in Pacific Coast States[139] and in New York State

Year	Chinese		Japanese	
	Pac. Coast States	New York State	Pac. Coast States	New York State
1923.....	56.4	11.1	50.1	5.2
1924.....	53.3	11.1	55.8	5.3
1925.....	53.1	10.1	31.4	13.0
1926.....	38.3	17.9	42.9	27.3

Act. Most of the permanent entries, especially Japanese, now belong to the treaty merchant class and consequently go to the centers of international trade.

Let us now examine the effect of the reduced immigration stream upon the economic and social organization of the Oriental communities in the United States. It is well known that as soon as the Chinese Exclusion Law stopped the flow of immigrants, the doimciled population began to scatter, forming little "China towns" in all the large cities of the country. The percentage of the total Chinese population resident in California dropped from approximately 100 per cent in 1860 to 46.7 per cent in 1920. When the flow of newcomers was stopped the domiciled Chinese business men were forced to look to Americans for customers and this necessitated a wider distribution throughout the country as the forms of business in which the Chinese participated were of a rather limited variety.

The Japanese experience in this country has been

[139] California, Oregon and Washington.

different. The Gentlemen's Agreement did not preclude their acting in accordance with their racial habit of bringing their wives and children with them. The result was that prior to 1924 the Japanese population in this country was an expanding one, both as a result of natural increase and of immigration. This expanding population furnished the necessary conditions for an inwardly organized economic life. The Japanese community in America was to a large extent a complete economic and social structure. It provided for all the occupational classes from the basic industrial group up through the service and professional groups. The local Japanese community prospered by doing business with Americans just as one nation might prosper by trading with another.

The first effect therefore of the 1924 Act was a curtailment of the normal expansion of the Japanese community due to the sudden change from a positive to a negative type of migration. This decline in population has produced a business depression among the commercial and professional classes of resident Japanese. Persons engaged in the basic industries are still as well off as ever except insofar as they may be affected by the alien land laws. But the small trader and the professional classes are now in a condition of economic depression. Business failures among the small traders are very common. The writer has been informed that 37 Japanese business establishments failed in Seattle during the past year and 16 of the more important establishments are recorded as having gone into bankruptcy or having voluntarily closed during 1926.

This business depression among small merchants cannot however be attributed entirely to the effect of the exclusion law. It is partially due to the tendency of the Japanese engaged in agriculture and other basic in-

dustries to transfer more and more of their business from their own nationals to Americans. This recognized tendency is due to three factors: first, with the growing up of the second generation there is more demand for American commodities and of course more acquaintance with American customs; second, the automobile has made it possible for the small farmer to go to the town or city to do his shopping, so he no longer relies upon the traveling Japanese merchant who used to visit the agricultural communities and camps to take orders and deliver products; in the third place, part of the interest in doing business with Americans rather than with Japanese is the result of a studied policy. Japanese farmers and others have found by experience that doing business with Americans, especially with those who are hostile to them, is the most effective way of winning good will and of allaying race prejudice.

The social organization of the Japanese community also seems to be changing as a result of the new situation. The Japanese Association has lost much of its old time morale as well as its *raison d'être*. During the period of the Gentlemen's Agreement the Japanese Association performed a semi-official function between the Japanese community in the United States and Japan. The Association assisted the Japanese Consulate in the administration of the Gentlemen's Agreement by investigating claims for return certificates and by keeping a record of all Japanese activities in this country. The Association further served as a sort of matrimonial agency for the Japanese bachelors in America who were desirous of getting wives from Japan during the period of the "picture-bride regime." The Association investigated the qualifications of the bride seeker and assisted in the con-

summation of the marriage. Now that the new law is in effect these international functions have disappeared and with their disappearance has come a decided drop in the morale of the organization in this country and also a change in its policy. The Japanese Association is now for the most part concerned with local communal problems of a social welfare nature. It is directing its attention more and more to the problems connected with the second generation.

There seems to have been quite a rapid development of Japanese language schools during the last few years and it is felt by some Japanese leaders that these are the result of the exclusion law.

"Before the Exclusion Law was enacted most of Japanese parents thought that Japanese language is not needed, only English is useful and the old folks were also studying English language so hard, but after that law passed parents began to feel uneasy about American lives, and they wanted to go back to their home land, leaving the children on American soil. In that case, in order to correspond with each other in one language, they study Japanese dialect. Ever since, the Japanese language schools were built like mushrooms wherever the Japanese community is founded with over fifty families. This is the reaction to the Japanese Exclusion Law. In Fresno two Japanese language schools, Madera 1 (new), Sanger 2 (new), Clovis 1 (new), Sunny Side 1 (new), Biola 1 (new), Strawberry District 1 (new), Fowler 1 (new), Delrey 1 (new), Reedley 1 (new), Selma 1 (new). Old ones: Parlier 1, Monmos 1, Bowles 1, Visalia 1, Hanford 1; other newly built: Visalia 1, Hanford 1 (Buddhist's supervision), and Bakersfield. And there are several other plans all over the community."[140]

It is doubtful, however, whether much of this increase in the number of language schools is not due to the natural increase of child population. In Seattle the language school increased from an enrollemnt of 257 in

[140] Letter from a Japanese pastor, April 26, 1927.

December, 1922, to 548 in December, 1926, an increase of about 50 per cent. But in the meantime the enrollment of Japanese children in the public schools of the city increased from 1,057 to 1,889, an increase of 78 per cent.[141]

Effect of Exclusion on International Trade. It is practically impossible to measure the effect of exclusion on international trade. Foreign commerce is affected by a great complex of forces and no one can say to what extent changes in commerce are due to any particular cause. Our exports to Japan and China fluctuate from year to year but the tendency since 1923 has been downward.

It may be worth while to consider the opinions of some prominent business men on the matter. Even though the opinions expressed do not prove anything, they at least represent significant attitudes.

There is of course a wide variety of opinion as to the effect of exclusion on trade. From our brief investigation, however, it would seem as though the Japanese business men in America believe that the law does not affect international commerce, while the American business men seem to hold the opposite opinion. A prominent American lawyer from San Francisco writes as follows as a result of his conversation with a number of particularly prominent and reliable Japanese:

"Everyone believes that the Immigration Act has affected international trade very little..... Japan relies on the United States for certain commodities such as cotton of a particular variety and in turn we are the best market for her silk exports. Sentiment, it is said, is not one of the direct factors on which trade is dependent. I am told also that the resentment against the

[141] Data Supplied by the Superintendent of Schools, Seattle, April 1927.

United States which arose in 1924 has died down to a very large degree, and, therefore, the tendency not to buy goods made in Aemrica which arose at that time has disappeared. It has been pointed out to me that the industrial centers in Japan and the prefectures from which the greater number of Japanese immigrants to the United States have come are located in different parts of the Empire. The industrial centers are interested in international trade but not directly interested to any degree in immigration and this, it is stated, has served to lessen the effect of the Immigration Act on trade relations."

"The Secretary of the Japanese Chamber of Commerce in San Francisco told me that they are exerting every effort to restrain agitation which they know has a harmful effect on international trade. He believes that the resentment caused by the Immigration Act has faded to the point where it now has almost no influence on trade with the United States."[142]

Prominent Japanese who are engaged extensively in international trade seem fairly united in the belief that the exclusion law has not materially affected trade. Their opinions, however, may be the expression of a wish more than the statement of a fact. There is no doubt but that international traders are exceedingly cautious about saying anything that might disturb the trade relations between the two countries. Opinions of American business men are somewhat different. The chairman of the Foreign Trade Bureau of the Seattle Chamber of Commerce, himself a prominent manufacturer and exporter to the Orient, writes as follows:

"My personal opinion is that it (the 1924 Act) had a very serious effect and caused considerable buying that would have been done in the United States to be done elsewhere. A lot of business that was formerly going to the United States was undoubtedly kept at home, as immediately after the Exclusion Law was passed Japan started a campaign to patronize home industries..... I remember standing in Osaka before a very prominent corner and noticing a

[142] Letter April 14, 1927.

billboard in Japanese with one particular character that I recognized meaning 'Japan.' I asked our agent what that billboard said. His answer was, 'That is a billboard put up by the government asking the people to buy goods made at home and help pay foreign loans'."[143]

The effect of the law on Chinese trade is even more uncertain. The Chinese have too many other things engaging their attention at the present time to give much thought to exclusion in America. However, if sentiment against the 1924 Act expressed by domiciled Chinese could be transferred to China there is little doubt but that it would affect trade. It is well known how effective the Chinese boycott of 1905 was in reducing the volume of commerce between the two nations.[144] There is no question but that the resentment of the Chinese commercial communities at the present time is as bitter toward the system of administering the exclusion laws as it was at any time in the past. Local Chinese know, however, that a boycott would injure them personally probably more than anyone else. They are therefore opposed to such a method of getting redress. In protesting against the law, however, the Chinese business men maintain that it has bad effects on trade. The manager of the Chinese Chamber of Commerce writes as follows:

"The Exclusion Law, the Immigration Law of 1924, together with the treatment of the Chinese at this port for the past three years have lessened the trade and commerce between China, Japan and the United States. The Chinese Chamber of Commerce, speaking for the great commercial community of the Pacific Coast relative to the laws and rules promulgated against us, only ask modification of the severity of this enforcement at the port of

[143] Letter May 3, 1927

[144] In the Annual Report for 1907 of the Commissioner General of Immigration, p. 143, there appears the following statement: "The exports of the United States to China, according to our statistics, fell from 53,000,000 in the fiscal year 1905 to $44,000,000 in 1906 and to $26,000,000 in 1907."

San Francisco. We repeatedly ask ourselves why the oldest friend in the Orient to the American people should be cursed with the Immigration Law of 1924, with the Exclusion Law already in force and effect. One or the other would have been sufficient. ..... Let the American government do as it pleases, we as a nation seem powerless to resist..... Our grievances are not personal or political. We justly contend that if a Chinese merchant, his wife or children apply to land at this port that they should be fairly and justly treated and their cases safeguarded by their right of justice and equity, guaranteed by the old treaties and the natural right of fairness and interest."[145]

[145] Letter, April 28, 1927.

CHAPTER XV.

Conclusion

We have reached the end of our brief study of exclusion. I shall now summarize what appear to be some of the outstanding aspects of the problem. We have seen that exclusion is a movement of recent times; that it started with the development of steam and electric communication during the last half of the 19th century, and is still confined to the eastern fringe of Occidental civilization.

As the Western world has extended its economic and political domains closer to the reach of Asia a fear of being engulfed by a tidal wave of Asiatic immigration has swept over the entire frontier belt of Western dominance. In the initial stage of this process there was a short period when the presence of the colored races was considered by the white pioneers as essential to the development of the resources at hand. But with the passing of pioneer conditions and the emergence of established marginal communities, each bound to the urban centers of the Atlantic seaboard by economic and political ties, a fear of Asiatic invasion arose finding expression in national legislation restricting Oriental immigration.

Thus the exclusion movement which started locally has become of national significance. Furthermore the movement is still gaining in scope. Each year brings forth some new endeavor to extend the territorial range of the exclusion idea. But while the exclusion movement is expanding to more countries along the eastern shores of the Pacific there is evidence that a new epoch is dawn-

ing in commonwealth formation. The Pacific coast communities of North America, which heretofore were willing to play the role of outposts to the metropolitan centers of the Atlantic commonwealth, are now beginning to look to cities across the Pacific as the next stage in their future development. The modern race for supremacy is between economic regions and urban centers, even more than between national or political entities as such. And there is a nascent attitude among the larger cities on the Pacific rim that their future is bound up with the cities that face them across the Pacific more than with the Western centers upon which they formerly depended. As this attitude grows, interest in Pacific amity and international good-will is likely to increase *pari passu.*

This country has had almost half a century's experience with exclusion legislation. And from a practical standpoint the experience on the whole has been successful. The original purpose of exclusion was to escape the economic competition of Asiatic coolie labor. Exclusion has accomplished this result. Chinese immigration has been stemmed and the resident population of that race has declined in number and scattered throughout the country. Anti-Chinese sentiment has subsided almost to the point of non-existence.

However exclusion has not solved the problem from the standpoint of the Chinese. They have never accepted it as a just and equitable method of dealing with immigration restriction.[146] This is one reason why Chinese exclusion continues to be such a difficult administrative problem. The enforcement of Chinese exclusion has

[146] As a practical necessity, the Chinese in the United States accept the principle of the exclusion of coolie labor but they seriously oppose what they consider to be efforts on the part of immigration officials to exclude all members of their race.

been costly far out of proportion to the numbers applying for admission. Nor is the cost to be measured in monetary terms alone. The resentment engendered through the enforcement of the law is of far greater significance than the actual money spent in attaining the objective. If this resentment has not reacted against the international balance sheet it is simply because China has meanwhile been in a condition of political lethargy or turmoil. It is hardly likely that a politically organized China will continue to disregard the sentiments of her nationals domiciled in or traveling through a foreign country.

The Immigration Act of 1924 has been in effect too short a time to warrant any prediction as to its ultimate significance. But judging from two and a half year's experience of its operation one might hazard the conjecture that in its practical outcome the act will do for Japanese immigration what the Exclusion Act of 1882 did for Chinese immigration. That is it will so reduce and select the stream of Japanese immigration that the Japanese problem in this country will cease to be of public concern. Already there has been a noticeable decline in anti-Japanese sentiment. The Japanese residents of this country will, in all probability as the years pass, become more widely distributed throughout the Union. Since the 1924 law went into effect the percentage of Chinese and Japanese immigrants taking up permanent residence in the Pacific Coast States has shown a considerable decline.[147]

Japanese exclusion has, up to the present, involved small monetary cost or trouble from an administrative standpoint. The reason for this lies in the fact that the Japanese Government considers international amity of too

[147] See Appendix, Table F.

great importance to allow the individual problems of her subjects to interfere. But the smooth operation of the enforcement of Japanese exclusion should not be taken as an indication that the problem is solved. The Japanese are even farther than the Chinese from accepting the status quo as the final solution.

Exclusion differs from restriction principally in the mental attitudes involved. The practical results of the two methods are about the same. Each limits the number of arrivals. Each presents about the same kind of individual and administrative problems. Exclusion, however, differs radically from restriction from the standpoint of group attitudes. Exclusion discriminates in a manner that is offensive to the racial and national dignity of the group excluded. This is especially true when exclusion is based on the principle of ineligibility to citizenship. For then it conveys the obnoxious implication that the people excluded are biologically inferior.

Both China and Japan, according to the repeated utterances of their representative leaders, accept the principle of immigration restriction. They realize that it is in the interests of all concerned to prevent a too rapid intermingling of the races. They do object, however, to being discriminated against on the basis of race when such discrimination is unnecessary to achieve the end desired. There seems to be no fundamental difference of opinion regarding the objective. The conflict arises in connection with the method employed. It has been pointed out on numerous occasions that the quota principle, as at present applied to Europeans, if applied to Asiatics, would admit such a negligible number that the practical end of exclusion would be achieved and without the sacrifice of international good-will.

Exclusion is no longer a solution of the problem of economic competition with races living on a lower economic level. The exclusion of one race invites the immigration of another whose standard of living may be equally low and whose racial traits may be equally divergent. The exclusion of the Chinese stimulated the immigration of the Japanese, and the exclusion of the Japanese in turn is causing an increased immigration from Mexico. Even when exclusion becomes general, excluding all races or peoples whose standards of living are low, the economic competition of such people is not escaped. Capital tends to migrate to the sources of cheap labor when such labor cannot migrate to the sources of capital.

"Taking the world as a whole, the widespread development of home manufactures to meet needs formerly supplied by imported goods is by general consent one of the outstanding features of the post-war economic situation, and this is perhaps the most important permanent factor tending either to limit the volume or to modify the character of British export trade."

"The number of cotton spindles in Japan, China, India and Brazil in 1913 was about 10 millions; by 1924 the number had risen to nearly 18 millions. Between 1913 and 1922 the number of cotton power looms in India and Japan rose from 120,000 to 200,000. The annual production of steel just before the war in Japan, China, India and Australia was 360,000 tons. In 1922 it was 858,000 tons." (Committee on Industry and Trade—Survey of Overseas Markets. London, 1926, pp. 9-10.)

Human migration must be controlled. In our modern world of high fluidity there is too much random movement. To allow human beings to migrate at will from one part of the world to another is to invite waste and to precipitate conflict. On the other hand, it must be remembered that in a dynamic highly specialized world migration seems to be the only feasible way of maintain-

ing economic equilibrium and of exploiting the resources of undeveloped regions.[148] There is need at present as never before of a sound and rational immigration policy acceptable to all nations concerned.

The old system of control is passing. Modern communications are erasing or rendering obsolete most of the old territorial boundary lines. The task of guarding political frontiers becomes more difficult and costly with the introduction of each new form of transportation. The control of human migration can no longer be successfully achieved by merely a defensive policy of guarding national boundary lines. The entire problem should be handled by international machinery based upon principles having international acceptance.

This idea is partially expressed by President Coolidge in his statement regarding the Immigration Act of 1924:

. . . "We have had for many years an understanding with Japan by which the Japanese Government has voluntarily undertaken to prevent the emigration of laborers to the United States, and in view of this historic relation and of the feeling which inspired it, it would have been much better in my judgment, and more effective in the actual control of immigration, if we had continued to invite that co-operation which Japan was ready to give and had thus avoided creating any ground for misapprehension by an unnecessary statutory enactment."

[148] See Harry Jerome's splendid study, *Migration and Business Cycles*, National Bureau of Economic Research, Inc., New York, 1926.

APPENDIX

TABLE A

Orientals in the United States, (Census data).

CONTINENTAL UNITED STATES

Year	Chinese	Japanese
Continental United States:		
1860	34,933	.....
1870	63,199	55
1880	105,465	148
1890	107,488	2,039
1900	89,863	24,326
1910	71,531	72,157
1920	61,639	111,010
Hawaii:		
1890	15,301	12,360
1900	25,767	61,111
1910	21,674	79,675
1920	23,507	109,247

TABLE B

Number of Japanese residents in North America and Hawaii—1909-1924
(Figures obtained by the Department of Foreign Affairs, Tokyo, Japan—1925)

	1909	1913	1919	1920	1921	1922	1923	1924
United States								
Male.....	69,769	67,169	88,483	88,706	80,892	84,580	84,112	82,087
Female....	6,945	10,456	42,736	36,579	42,480	46,055	47,281	49,270
Total...	76,714	77,625	131,219	125,285	123,372	130,635	131,393	131,357
Hawaii								
Male.....	44,617	56,256	64,806	60,617	64,733	65,723	66,684	68,615
Female....	21,143	31,305	49,977	47,492	48,666	50,446	52,148	54,421
Total...	65,760	87,561	114,783	108,109	113,399	116,169	118,832	123,036
Canada								
Male.....	7,717	9,615	11,251	11,844	12,608	12,012	13,253	12,748
Female....	1,137	2,637	5,399	5,844	6,019	6,700	6,476	6,412
Total...	8,854	12,252	16,650	17,688	18,627	18,712	19,729	19,160
Mexico								
Male.....	2,327	2,572	1,836	2,246	1,907	2,070	2,232	2,301
Female....	138	165	362	361	269	297	949	1,009
Total...	2,465	2,737	2,198	2,607	2,176	2,367	3,181	3,310

TABLE C

Immigration to and emigration from the United States by years and countries.[1]

Year	China		Japan	
	Entered	Departed	Entered	Departed
1853 Prior to	42	.....	.....	.....
1853	42	.....	.....	.....
1854	13,100	.....	.....	.....
1855	3,526	.....	.....	.....
1856	4,733	.....	.....	.....
1857	5,944	.....	.....	.....
1858	5,128	.....	.....	.....
1859	3,457	.....	.....	.....
1860	5,467	.....	.....	.....
1861	7,518	.....	1	.....
1862	3,633	.....	.....	.....
1863	7,214	.....	.....	.....
1864	2,975	.....	.....	.....
1865	2,942	.....	.....	.....
1866	2,385	.....	7	.....
1867	3,863	.....	67	.....
1868	5,157	.....	.....	.....
1869	12,874	.....	63	.....
1870	15,740	.....	48	.....
1871	7,135	.....	78	.....
1872	7,788	.....	17	.....
1873	20,292	.....	9	.....
1874	13,776	.....	21	.....
1875	16,437	.....	3	.....
1876	22,781	.....	4	.....
1877	10,594	.....	7	.....
1878	8,992	.....	2	.....
1879	9,604	.....	4	.....
1880	5,802	.....	4	.....
1881	11,890	.....	11	.....
1882	39,579	.....	5	.....
1883	8,031	.....	27	.....
1884	279	.....	20	.....
1885	22	.....	49	.....
1886	40	.....	194	.....
1887	10	.....	229	.....
1888	26	.....	404	.....
1889	118	.....	640	.....
1890	1,716	.....	691	.....
1891	2,836	.....	1,136	.....
1892	.....	.....	.....	.....

TABLE C—continued

Year	China		Japan	
	Entered	Departed	Entered	Departed
1893	472	.....	1,380	.....
1894	1,170	.....	1,931	.....
1895	539	.....	1,150	.....
1896	1,441	.....	1,110	.....
1897	3,363	.....	1,526	.....
1898	2,071	.....	2,230	.....
1899	1,660	.....	2,844	.....
1900	1,247	.....	12,635	.....
1901	2,459	.....	5,269	.....
1902	1.649	.....	14,270	.....
1903	2,209	.....	19,968	.....
1904	4,309	.....	14,264	.....
1905	2,166	.....	10,331	.....
1906	1,544	.....	13,835	.....
1907	961	.....	30,226	.....
1908	1,397	3.923	15.803	3.431
1909	1,943	3.411	3,111	3,819
1910	1,968	2,371	2,720	4,366
1911	1,460	2,762	4,520	3,354
1912	1,765	2,609	6,114	1,485
1913	2,105	2,303	8,281	731
1914	2,502	2,112	8,929	756
1915	2,660	2,011	8,613	840
1916	2,460	2,203	8,680	770
1917	2,237	1,871	8,991	750
1918	1,795	2,352	10,213	1,583
1919	1,964	2,199	10,064	2,195
1920	2,330	3,102	9,432	4,249
1921	4,009	5,451	7,878	4,375
1922	4,406	6,362	6,716	4,368
1923	4,986	3,715	5,809	2,869
1924	6,992	3,847	8,801	2,155
1925	1,937	3,412	723	1,212
1926	1,751	2,989	654	1,208

[1] For 1820 to 1867 the figures are for alien passengers arriving; for 1868 to 1903, for immigrants arriving; for 1904 to 1906, for aliens admitted; and for 1907 to 1926, for immigrants aliens admitted. The years from 1820 to 1831, and 1844 to 1849, inclusive, are those ending September 30; from 1833 to 1843 and 1851 to 1867, those ending December 31; and 1869 to 1926 those ending June 30. The other periods cover 15 months ending December 31, 1832; 9 months ending December 31, 1843; 15 months, ending December 31, 1850; and 6 months ending June 30, 1868. Data for years prior to 1906 cover countries whence aliens came; and, for years following, countries of last permanent residence. (Annual Report of the Commissioner General of Immigration, 1926, pp. 170-181.)

TABLE D

Chinese and Japanese immigrant aliens admitted and emigrant aliens departed, with excess admissions or departures, fiscal years ended June 30, 1911 to 1926[1]

Year	Chinese			Japanese		
	Admitted	Departed	Loss or gain	Admitted	Departed	Loss or gain
1899	1,638	.....	.....	3,395	.....	.....
1900	1,250	.....	.....	12,628	....	.....
1901	2,452	.....	.....	5,249	.....	.....
1902	1,631	.....	.....	14,455	.....	.....
1903	2,192	.....	.....	20,041	.....	.....
1904	4,327	.....	.....	14,382	.....	.....
1905	1,971	.....	.....	11,021	.....	.....
1906	1,485	.....	.....	14,243	.....	.....
1907	770	.....	.....	30,824	.....	.....
1908	1,263	3,898	− 2,635	16,418	5,323	+11,095
1909	1,841	3,397	− 1,556	3,275	3,903	− 628
1910	1,770	2,383	− 613	2,798	4,377	− 1,579
1911	1,307	2,716	− 1,409	4,575	3,351	+ 1,224
1912	1,608	2,549	− 941	6,172	1,501	+ 4,671
1913	2,022	2,250	− 228	8,302	733	+ 7,569
1914	2,354	2,059	+ 295	8,941	794	+ 8,147
1915	2,469	1,959	+ 510	8,609	825	+ 7,784
1916	2,239	2,148	+ 91	8,711	780	+ 7,931
1917	1,843	1,799	+ 44	8,925	722	+ 8,203
1918	1,576	2,239	− 663	10,168	1,558	+ 8,610
1919	1,697	2,062	− 365	10,056	2,127	+ 7,929
1920	2,148	2,961	+ 813	9,279	4,238	+ 5,041
1921	4,017	5,253	− 1,236	7,531	4,352	+ 3,179
1922	4,465	6,146	− 1,681	6,361	4,353	+ 2,008
1923	4,074	3,788	+ 286	5,652	2,844	+ 2,808
1924	4,670	3,736	+ 934	8,481	2,120	+ 6,361
1925	1,721	3,263	− 1,542	682	1,170	− 488
1926	1,375	2,873	− 1,498	598	1,201	− 603

[1] Excess of admissions indicated by plus sign (+), of departures by minus sign (—). Annual Report of the Commissioner General of Immigration, 1926, pp. 182-185. Alien arrivals previous to July 1, 1898 were not recorded by race or people. Alien departures previous to July 1, 1908 were not recorded by race or people.

TABLE E

Chinese admitted to the United States, fiscal years ended June 30, 1918 to 1926, by ports.

Places of entry	1918	1919	1920	1921	1922	1923	1924	1925	1926
San Francisco	1,905	2,168	2,776	4,461	4,499	4,892	4,893	2,832	2,261
Seattle	672	721	840	1,405	2,111	2,901	3,585	2,319	2,403
Honolulu	409	307	424	666	1,335	1,403	1,187	526	308
Boston	24	25	155	6	236	511	367	148	111
New York	94	73	231	292	503	530	344	223	190
Montreal	7	4	59	775	....	....	....	....	....
New Orleans	13	5	6	5	6	11	8	....	2
Mexican border	38	16	11	54	418	142	121	65	58
Canadian border	....	....	....	....	841	163	172	124	118
Portland	....	....	98	7	....	....	....	....	....
Other places of entry	4	21	90	21	23	5	11	6	8
Norfolk, Va	....	....	....	138	26	....	4	....	....
Newport News, Va	....	....	....	292	24	....	2	....	....
Philadelphia	....	....	....	201	3	....	....	....	....

Note the decline in the number of entries at the port of San Francisco since the act of 1924 became effective. In 1926 Seattle had more entries than San Francisco.

TABLE F

Immigrant aliens admitted, for the two years specified fiscal years before and the two specified years after the Immigration Act of 1924 became effective—by states of intended future permanent residence.

Compiled from Table 80, Annual Report, for 1926 and from similar tables in other reports.

Location	1920 and 1921		1925 and 1926	
	Total	Percent	Total	Percent
CHINESE—				
California	2,623	42.5	865	27.9
District of Columbia	109	1.7	24	.8
Hawaii	268	4.3	98	3.2
Illinois	265	4.3	182	5.9
Massachusetts	262	4.2	161	5.2
Michigan	56	.9	70	2.3
New York	760	12.3	422	13.6
Ohio	90	1.6	96	3.1
Oregon	83	1.4	73	2.3
Pennsylvania	374	6.1	116	3.8
Washington	221	3.6	504	16.3
Other States	1,054	17.1	485	15.6
JAPANESE—				
California	6,793	40.5	256	20.
District of Columbia	67	.4	76	5.9
Hawaii	4,291	25.6	335	26.1
Illinois	143	.8	15	1.2
Massachusetts	76	.4	14	1.1
Michigan	18	.1	7	.6
New York	960	5.7	252	19.7
Ohio	34	.2	9	.7
Oregon	589	3.5	38	2.9
Pennsylvania	61	.4	16	1.3
Washington	2,516	14.9	177	13.8
Other States	1,262	7.5	85	6.7

TABLE G

Net increase or decrease of population by arrival and departure of Chinese and Japanese immigrant aliens, fiscal years ended June 30, 1911 to 1926, by sex.

CHINESE

Year	Admitted		Departed		Increase or decrease		Net increase or decrease
	Male	Female	Male	Female	Male	Female	
1911	1,124	183	2,660	56	−1,536	+ 127	−1,409
1912	1,367	241	2,483	66	−1,116	+ 175	− 941
1913	1,692	330	2,204	46	− 512	+ 284	− 228
1914	2,052	302	2,005	54	+ 47	+ 248	+ 295
1915	2,182	287	1,918	41	+ 264	+ 246	+ 510
1916	1,962	277	2,093	55	− 131	+ 222	+ 91
1917	1,563	280	1,735	64	− 172	+ 216	+ 44
1918	1,276	300	2,156	83	− 880	+ 217	− 663
1919	1,425	272	1,979	83	− 554	+ 189	− 365
1920	1,719	429	2,844	117	−1,125	+ 312	− 813
1921	3,304	713	5,112	141	−1,808	+ 572	−1,236
1922	3,622	843	5,943	203	−2,321	+ 640	−1,681
1923	3,239	835	3,625	163	− 386	+ 672	+ 286
1924	3,732	938	3,553	183	+ 179	+ 755	+ 934
1925	1,526	195	3,124	139	−1,598	+ 56	−1,542
1926	1,182	193	2,746	127	−1,564	+ 66	−1,498
Totals	32,967	6,618	46,180	1,621	−13,213	+4,997	−8,216

TABLE G—continued

JAPANESE

Year	Admitted		Departed		Increase or decrease		Net increase or decrease
	Male	Female	Male	Female	Male	Female	
1911	1,409	3,166	2,721	630	−1,312	+2,536	+1,224
1912	1,930	4,242	1,167	334	+ 763	+3,908	+4,671
1913	3,157	5,145	561	172	+2,596	+4,973	+7,569
1914	3,292	5,649	615	179	+2,677	+5,470	+8,147
1915	3,762	4,847	676	149	+3,086	+4,698	+7,784
1916	4,033	4,678	635	145	+3,398	+4,533	+7,931
1917	4,162	4,763	581	141	+3,581	+4,622	+8,203
1918	4,821	5,347	1,215	343	+3,606	+5,004	+8,610
1919	4,567	5,489	1,715	412	+2,852	+5,077	+7,929
1920	3,414	5,865	3,181	1,057	+ 233	+4,808	+5,041
1921	3,147	4,384	3,249	1,103	− 102	+3,281	+3,179
1922	2,683	3,678	3,086	1,267	− 403	+2,411	+2,008
1923	2,489	3,163	2,043	801	+ 446	+2,362	+2,808
1924	3,784	4,697	1,537	583	+2,247	+4,114	+6,361
1925	368	314	837	333	− 469	− 19	− 488
1926	425	173	830	371	− 405	− 198	− 603
Totals	47,443	65,600	24,649	8,020	+22,794	+57,580	+80,374

Compiled from the Annual Report of the Commissioner General of Immigration, 1926, table 86, p. 209-211.

TABLE H

Age distribution of Chinese and Japanese immigrant aliens admitted, fiscal years ended June 30, 1917 to 1926[1]

Year	Chinese				Japanese			
	Number admitted	Under 16 years	16 to 44 years	45 years and over	Number admitted	Under 16 years	16 to 44 years	45 years and over
1917	1,843	135	1,481	227	8,925	716	7,663	546
1918	1,576	129	1,178	269	10,168	1,417	8,228	523
1919	1,697	172	1,278	247	10,056	1,397	8,018	641
1920	2,148	242	1,712	194	9,279	1,342	7,462	475
1921	4,017	415	3,344	258	7,531	1,227	5,778	526
1922	4,465	641	3,570	434	6,361	1,049	4,845	467
1923	4,074	434	3,084	556	5,651	935	4,107	610
1924	4,670	396	3,459	815	8,481	1,375	6,115	991
1925	1,721	76	1,246	399	682	69	546	67
1926	1,375	128	1,001	246	598	63	492	43

[1] Compiled from the Annual Reports of the Commissioner General of Immigration, table vii, p. 20, 1917, and similar tables for other years. For the year 1917 the age groups are "under 14 years" and "14 to 44 years".

TABLE I

Chinese claiming American citizenship by birth, or to be the wives or children of American citizens, admitted, fiscal years ended June 30, 1917-1926[1]

Year	Foreign-born wives of natives	Foreign-born children of natives	Native born			Total
			Raw natives[2]	Native[3] born	Status not[4] determined	
1917	110	905	19	904	151	2,089
1918	132	331	13	492	98	1,066
1919	91	260	15	471	179	1,016
1920	141	843	15	691	191	1,881
1921	290	2,067	22	812	302	3,493
1922	396	2,292	25	1,239	278	4,230
1923	387	2,399	27	1,610	515	4,938
1924	396	2,136	11	1,912	476	4,931
1925[5]	...	.....	..	.....	...	3,023
1926[5]	...	.....	..	.....	47.	2,396

[1] Compiled from the Annual Reports of the Commissioner General of Immigration, table 3, p. 157, 1924 and similar tables for other years.
[2] No record of departure (known as raw natives).
[3] Status as native born determined by United States Government previous to present application for admission.
[4] Status not previously determined.
[5] Complete data for 1925 and 1926 not available.

TABLE J

Chinese aliens of the merchant classes admitted, fiscal years ended, June 30, 1917-1926[1]

Year	Section 6 merchants	Returning merchants	Merchants' wives	Merchants' children	Totals
1917	180	691	111	583	1,565
1918	129	520	88	302	1,039
1919	138	512	91	214	955
1920	105	525	166	478	1,274
1921	287	702	271	1,045	2,305
1922	649	764	301	1,059	2,773
1923	497	980	319	1,058	2,854
1924	452	1,229	273	823	2,777
1925	...	....	...	...	75
1926	...	....	...	...	424

[1] Compiled from the Annual Reports of the Commissioner General of Immigration. Table 2, p. 137, 1917, and similar tables for other years. Only totals given for 1925 and 1926 as no listing of seperate classes is made in those reports. These totals, however, do not include "Returning Merchants."

TABLE K

Chinese students admitted and debarred fiscal years, ended June 30, 1917-1926[1]

Year	Admitted					Debarred				
	Sec. 6 Students		Ret'ng Students		Total admitted	Sec. 6 Students		Ret'ng Students		Total debarred
	Male	Female	Male	Female		Male	Female	Male	Female	
1917	158	15	49	1	223	3	1	....	....	4
1918	165	28	32	....	225	3	....	1	....	4
1919	363	31	47	2	443	1	....	....	....	1
1920	390	43	75	4	512	1	....	1	....	2
1921	710	54	69	5	838	3	....	....	....	3
1922	547	71	60	4	682	4	....	1	....	5
1923	464	49	60	3	576	12	....	....	....	12
1924	483	76	78	5	642	13	2	2	....	17
1925	....	....	....	....	328	....	....	....	....	....
1926	....	....	....	....	327	....	....	....	....	....

[1] Compiled from table 2, p. 137 of the 1917 Annual Report of the Commissioner General of Immigration and similar tables for other years. Complete data for 1925 and 1926 not available.

Immigration Act of 1924

. . . . . .

Exclusion From United States

Sec. 13. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent, (2) is of the nationality specified in the visa in the immigration visa, (3) is a non-quota immigrant if specified in the visa in the immigration visa as such, and (4) is otherwise admissible under the immigration laws.

(b) In such classes of cases and under such conditions as may be by regulations prescribed immigrants who have been legally admitted to the United States and who depart therefrom temporarily may be admitted to the United States without being required to obtain an immigration visa.

(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a non-quota immigrant under the provision of subdivision (b), (d) or (e) of section 4,—

> "Sec. 4. . . . . (b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad; . . . .
>
> (d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or
>
> (e) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall

have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn."

or (2) is the wife, or the unmarried child under 18 years of age of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.—

"Sec. 3. When used in this Act the term 'immigrant' means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation."

. . . . . .

DEPORTATION

Sec. 14. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this Act to enter the United States, or to have remained therein for a longer time than permitted under this Act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the Immigration Act of 1917: PROVIDED, That the Secretary of Labor may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States, any alien child who, when under sixteen years

of age was heretofore temporarily admitted to the United States and who is now within the United States and either of whose parents is a citizen of the United States.

MAINTENANCE OF EXEMPT STATUS

Sec. 15. The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 3,

> "Sec. 3. . . . (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the Untied States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation."

or declared to be a non-quota immigrant by subdivision (e) of section 4,—

> "Sec. 4. . . . (e) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn."

shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clauses (2), (3), (4), or (6) of section 3,—

> "Sec. 3. . . . (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure,

(3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the Unied States who later goes in transit from one part of the United States to another through foreign contiguous territory, . . . (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation."

the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

. . . . . .

GENERAL DEFINITIONS

Sec. 28. As used in this Act—

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands; and the term "continental United States" means the States and the District of Columbia;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

(c) The term "ineligible to citizenship," when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the Act entitled "An Act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States" approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

. . . . . .

(f) The term "Immigration Act of 1917" means the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States;"

(g) The term "immigration laws" includes such Act, this Act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

(h) The term "person" includes individuals, partnerships, corporations, and associations;

(i) The term "Commissioner General" means the Commissioner General of Immigration.

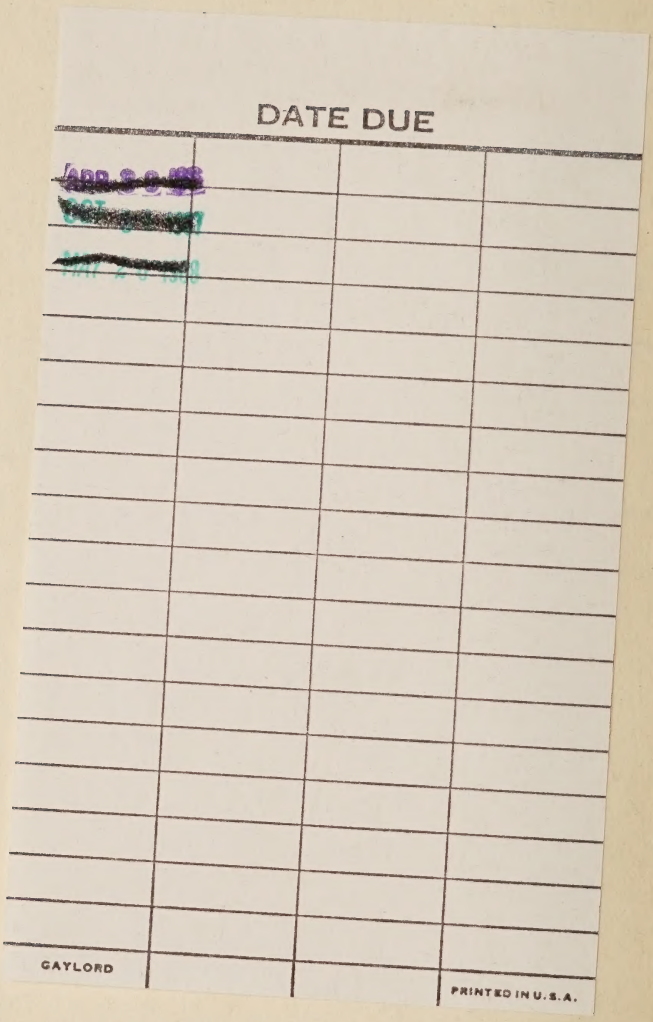
(j) The term "application for admission" has reference to the application for admission to the United States and not to the application for the issuance of the immigration visa;

(k) The term "permit" means a permit issued under Section 10;

(l) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married;

(m) The terms "child," "father," and "mother," do not include a child or parent by adoption unless the adoption took place before January 1, 1924;

(n) The terms "wife" and "husband" do not include a wife or husband by reason of a proxy or picture marriage.


DATE DUE
GAYLORD
PRINTED IN U.S.A.

McKenzie
Oriental exclusion.

Z - Race